

JOURNAL  
OF THE  
Commons House of Assembly  
OF  
SOUTH CAROLINA

November 1, 1725---April 30, 1726

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Nov. 1725/  
April 1726

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South Carolina (Commons) Assembly

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November 1, 1725—April 30, 1726

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Monday the 1 day of Novembe<sup>r</sup>:- 1725

The Hon<sup>ble</sup>: Thomas Broughton Esq<sup>r</sup>: Speaker & the following members of the Com<sup>ons</sup> house of Assembly mett at the house of Coll<sup>o</sup>: Mich<sup>l</sup>: Brewton pursuant to the last prorogation from his Hon<sup>r</sup>:- the president & his Majesties Hon<sup>ble</sup>:- Council.

M<sup>r</sup>: William Rhett

M<sup>r</sup>: Eleazer Allen

Maj<sup>r</sup>: Tho<sup>s</sup>: Hepworth

Capt<sup>t</sup>: Hugh Butler

Capt<sup>t</sup>: Tho<sup>s</sup>: Heyward

M<sup>r</sup>: Rob<sup>t</sup>: Hume

There not being a Sufficient Number of Members to proceed on buisness the Speaker Adjourn'd the house til to morrow morning 9 of the Clock.

Tuesday morning the 2<sup>nd</sup>: of Nov<sup>r</sup>: 1725

The house mett According to adjournm<sup>t</sup>:

The house adjourn'd till 3 of y<sup>e</sup>: Clock afternoon

The house mett according to adjournm<sup>t</sup>:

Tho Hepworth & Benj<sup>n</sup>:- Whitaker Esq<sup>rs</sup>: were directed to wait on his Hon<sup>r</sup>:- the President & to acquaint him that y<sup>e</sup>: house was mett & ready to proceed on Buisness.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart acquainted the house that his Hon<sup>r</sup>: the President required the Attendance of the house imediately in the Council Chamber

The Speaker & the house waited on the President & being return'd the Speaker laid before the House a Speech made by the President which for of Mistakes he had obtain'd a Coppy of and Motion being made that the said Speech be read it was read accordingly & is as follows (Viz)

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

I am glad to meet you after the long prorogation you have been under, for, not finding that his Majesties Intrest, or the Immediate Service of this his Province, Obliged me to call your attendance sooner I have endeavour'd to give you as much ease as possible, the better to Attend Your own private affairs & this being now a Season of the year that will the best suit all the Gentlemen that live in the Country, to attend y<sup>e</sup>: Publick Duty; I doubt not but you will proceed therein with the utmost cheerfulness, & give the Quickest dispatch to all affairs y<sup>t</sup>: shall come before you

2-14-47 Son. H. - Dark.

As it is my Particular Duty as well as Inclination to be allways watchfull of the publick Weale, so I shall Recom'end to you such things as shall be absolutely Necessary to promote the same

In the first place the Stateing & Settling the Publick Acc<sup>ts</sup>: of this Province will lead you into the Knowledge of what is Necessary to be raised for the Support of the Govern<sup>mt</sup>: for the ensuing Year, this is of so much Consequence, that I am satisfied it will meet w<sup>th</sup>: no delay with you

In the next place I am to lay before you an Affair of the Uttmost Importance that can possible happen to this province, that is y<sup>e</sup>: dispute between the two Crowns of Great Britain & Spain, relating to y<sup>e</sup>: boundaries of S<sup>t</sup>: Augustine and us, And for that purpose shall send you an Acc<sup>t</sup>: of what has passed between my Self & the Agents for the Govern<sup>mt</sup>: of S<sup>t</sup>: Augustine lately sent hither on that affair, As also a Letter from his Grace the Duke of Newcastle his Maj<sup>ties</sup>: Principal Secretary of State directed to his Excell<sup>cy</sup>: Francis Nicholson Esq<sup>r</sup>: Governour (or to the Com'ander in Chief for y<sup>e</sup>: time being) by which you will see what steps have been taken about this Matter in Great Britain.

M<sup>r</sup>: Speaker & Gentlemen This is an affair of y<sup>e</sup>: greatest Concern to this Province and (as such) I recomend it to your Consideration & desire you will Joyne with me & his Majesty's Hon<sup>ble</sup>: Council in making such a Representation to his Majesty Concerning the same as the Consequenc<sup>e</sup> thereof may require, I thought this Necessary to lay before you, in Order to receive your Advice therein that I may represent the same to Great Brittain

You may please to remember, that at you last sitting, Your thoughts were very much Employed in finding out the most Probable Method of Settling our affairs with our Western Indians, And for that purpose two Agents were sent to treat w<sup>th</sup>: the two most Potent Nations of them (the Creeks & Cherokees) And I am very glad to Acquaint you it has not been without Success, And as all their Proceedings are now in my hands I shall lay them before You & I doubt not but you will Consider what may be further done to promote so good an Undertaking, I expect both those Gentlemen down in a few dayes & then they will give you a more full Account of their Proceedings



Gentlemen

As the well Regulating the Courts of Justice of this Province will very much Contribute to the dispatch of Buisness, & the Ease of his Majesties Subjects, So whatever is wanting to promote the Intent of the Laws made for that purpose, must be a Greivance; I therefore recomend the same to Your Consideration

What may further Occurr will pass in Messages between the two houses and I promise my Self a very happy Sessions because I am Satisfyed we have nothing more at heart than his Majesties Service & the Intrest of this his Province

Ar: Middleton

And on Motion the following Gentlemen were appointed a Comittee to draw an Address of thanks to the President for the Speech he was pleas'd to make, Viz<sup>t</sup>: M<sup>r</sup>: Lloyd M<sup>r</sup>: Whitaker & M<sup>r</sup>: Allen.

The Com'ttee appointed to draw an Address of thanks to the President Reported the same which was order'd to be read & being read it was agreed to & order'd to be engrosed,

May it please y<sup>r</sup>: Hon<sup>r</sup>—:

This house having taken under Consideration y<sup>r</sup>: Hon<sup>r</sup> Speech do unanimously return you our hearty thanks for every part of it and in particular for the care you are pleas'd to take, that y<sup>e</sup>: time to which we were prorogued should as much as Possible Answer y<sup>e</sup>: intrest of every Member thereof.

This with the Several weighty matters recomended to you in Your Hon<sup>r</sup>: Speech demonstrates the Zeal you have for the Wellfare of this Colony which we shall take under our immediate consideration not doubting but through the whole course of this Sessions we shall convince your honour of our hearty attach to his Majesty & the interest of this his Province

Tho<sup>s</sup>: Broughton

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from the Council several letters from Coll<sup>o</sup>: Geo: Chicken in the Cherokees & Cap<sup>t</sup>: Tobias Fitch in the Creek nation & the several letters & papers relating to the settling the boundaries between the Spaniards & this Government & the Journal of the Council relating to the Indian affairs & the Speaker & the house waited on the President with the foregoing address—

Order'd that all former Com'ttees of this house be Revived. The Journal of the Council was read and the house proceeded to read some of the Letters concerning the boundaries of this & the Spanish Government & finding that some of the Letters were in french the house directed M<sup>r</sup>: Lloyd & M<sup>r</sup>: Cattle to wait on the President to know if those letters were translated, & if they were that he would . . . . please . . . to lay them before the house, & being returned they informed the house that they were not translated—

The following Gent<sup>n</sup>: were appointed a Com'ttee to inspect into the several letters and papers relating to the boundaries between this & the Spanish Government Viz<sup>t</sup>: M<sup>r</sup>: Lloyd Coll<sup>o</sup>: Fenwick Coll<sup>o</sup>,, Hall Coll<sup>o</sup>: Herbert & Cap<sup>t</sup>: Bond.—

The house adjourn'd til tomorrow morning nine of the Clock

Wednesday morning the 3<sup>d</sup> day of November 1725—

The house mett according to adjournment

The house directed that the President's Speech be read & now taken under Consideration.

Resolv'd that the Treasurers accounts be forthw<sup>th</sup>: Stated and the house Considering that M<sup>r</sup>: Eleazer Allen was formerly on the Com'ttee appointed to audit the same directed that he should again be on that Com'ttee & that

„ Coll<sup>o</sup>: Fenwick be added to the Com'ttee appointed to inspect into the boundaries of this & the Spanish Governm<sup>t</sup>: in „ the room of M<sup>r</sup>: Allen—

M<sup>r</sup>: Lloyd & Cap<sup>t</sup>: Bond were order'd to wait on the President & to desire his Honour to lay before this house the answer he was pleas'd to make to the Gentlemen that came from S<sup>t</sup>: Augustine & any other papers that relate to that affair & being returned they acquainted the house that he would lay them before the house immediately—

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the journal of the Council relating to the Spanish affairs w<sup>ch</sup>: Journal was Order'd to be read & was read accordingly.—

And the following message was order'd to be sent to his Hon<sup>r</sup>: the President.—

May it please y<sup>r</sup>,, Hon<sup>r</sup>:

We have had that part of your Honours Speech under Consideration w<sup>ch</sup>: relates to the boundaries of this & the Spanish

Governm<sup>t</sup>: of St: Augustine & are of Opinion with your Hon<sup>r</sup>: that it is a matter of the last Consequence to this Province; We have also read and Considered the several proceedings of your hon<sup>r</sup>: & his Majestie's Council on those affairs which We think have been Calculated for the Hon<sup>r</sup>: and interest of this Province & for w<sup>ch</sup>: We return your Hon<sup>r</sup>: our sincere and hearty thanks—

We are of Opinion that there is not at present any thing material further to be done in that affair until your Hon<sup>r</sup>: receives further directions from Great Britain, saving that a Com<sup>'</sup>tee of this house may meet a Com<sup>'</sup>tee of his Majestie's Hon<sup>ble</sup>: Council to draw a Representation to his Majesty stating that affair in the best manner, & We have appointed a Com<sup>'</sup>tee of our house to join one of the Council for that purpose.

Tho<sup>s</sup>: Broughton Speaker

The above message sent up by Coll<sup>o</sup>: Fenwick & Coll<sup>o</sup>: Palmer Resolv'd that M<sup>r</sup>: Rhett & M<sup>r</sup>: Smith be added to the Com<sup>'</sup>tee formerly appointed to enquire into the State and management<sup>t</sup>: of the severall Courts of Justice in this Province. The house adjourn'd til two of the Clock in the afternoon—

The house mett according to adjournment—

The house directed the following message to be sent to the Presid<sup>t</sup>: May it please your Hon<sup>r</sup>.

This house has appointed a Com<sup>'</sup>tee to join a Com<sup>'</sup>tee of his Majestie's Council to inquire into the state & management<sup>t</sup>: of the several Courts of Justice in this Province agreeable to your Hon<sup>rs</sup>: desire & We desire a Com<sup>'</sup>tee of his Majesties Council may be appointed to meet our Com<sup>'</sup>tee on that affair—

Tho<sup>s</sup>: Broughton Speaker

The above message sent up by M<sup>r</sup>: Smith and Coll<sup>o</sup>: Palmer M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the following message.—

M<sup>r</sup>: Speaker & Gent<sup>l</sup>n,,

In answer to your first message of this day, I have appointed the Hon<sup>ble</sup>. Coll<sup>o</sup>: William Bull & the Hon<sup>ble</sup>: Benj<sup>a</sup>: DeLa Con-seillere of his Majesties Council to be of a Com<sup>'</sup>tee to meet a Com<sup>'</sup>tee of your house to draw a Representation to his Majesty for the stating the affair between his Majesty & the Spanish Government in regard to their respective boundaries who are

now ready to meet the Com'ittee appointed by your house for that purpose:

In answer to your message just now receiv'd I have appointed the Hon<sup>ble</sup>., Alex<sup>r</sup>: Skene & Benj<sup>a</sup>: Schenkingh Esq<sup>rs</sup>: of his majesties Hon<sup>ble</sup>., Council to be of a Com'ittee to meet a Com'ittee of your house to inquire into the State & managem<sup>t</sup>: of the several Courts of Justice in this Province who are now ready to meet the Com'ittee appointed by your house for that purpose.

Council Chamber }  
Nov<sup>r</sup>: the 3<sup>d</sup>. 1725 }

Arthur Middleton

Mr: Eleazer Allen layd before the house several letters & papers sent from Francis Yonge Esq<sup>r</sup>: Agent to this Province in Great Britain to the Com'ittee of Correspondence & finding in one of the said letters that Kingsmill Eyre Esq<sup>r</sup>: (in whose hands the money receiv'd on account of Fort King George lyes) refuses to pay any of the said money remaining in his hands, the said Kingsmill Eyre Esq<sup>r</sup>:—Charging £500 for mixt mettle sent to Carolina, & the Com'ons house of Assembly having heretofore Resolved not to meddle or having anything to do with the mixed mettle upon any acct: whatsoever

The Question was put whether this house is of Opinion that the best expedient of Recovering the £500 Sterling belonging to the Publick of this Province in the hands of Kingsmill Eyre Esq<sup>r</sup>: is to send home to the said Kingsmill Eyre the mixt mettle now in this Province

It was carried in the Negative

The house adjourn'd til tomorrow morning nine of the Clock

Thursday morning the 4<sup>th</sup> day of November 1725.

The house mett according to adjournment.—

Mr: Lloyd from the Com'ittee appointed to draw a Representation to his Majesty on the affair of the boundaries between this & the Spanish Government of St: Augustine acquainted the house that they had conferr'd with the Com'ittee of his Majesties Hon<sup>ble</sup>: Council and were ready to make their Report if the house would please to receive the same, and being Order'd to make their Report he read the same in his place & then deliver'd it in at the table

The Com'ittee of both houses appointed to Conferr upon a Representation to be made to the King upon the Subject of

his Grace the Duke of New Castle's letter of the 2<sup>d</sup> June 1725 for settling the boundaries betwixt this Governm<sup>t</sup>: & that of S<sup>t</sup>: Augustine Report

That nothing more can properly be done by the General Assembly upon that Subject than what was Represented to his Majesty in June 1723. w<sup>ch</sup>: his Grace says was deliver'd by him to the Spanish Embassader & what his hon<sup>r</sup>: the President lately sent to his Grace until such an interview has been made to settle boundaries as is directed by his Grace's said letter w<sup>ch</sup>: the Com<sup>'</sup>tee conceives cannot be done until next Spring from the bad weather the winter generally makes in these parts, therefore the Com<sup>'</sup>tee propose that both houses join in a message to his Hon<sup>r</sup>: the President recommending it to him not to send Comisarys to treat about settling the boundaries until the next Spring On application of Cap<sup>t</sup>: Hugh Butler a member of this house to have leave to be absent on his private affairs.—

Resolv'd that Cap<sup>t</sup>: Hugh Butler a Member of this house shall have leave to be absent from the house to Sollicit his private affairs—

Hon<sup>ble</sup>: Gent<sup>n</sup>:

The Com<sup>'</sup>tee of our house appointed to Conferr with a Com<sup>'</sup>tee of his Majesties Hon<sup>ble</sup>: Council concerning the Spanish affairs & to draw a Representation to his Majesty thereupon having made their Report, the house have unanimously agreed to the same and We desire you will join with us in an address to his Hon<sup>r</sup>: the President agreeable to the last clause in the said Report.

Tho<sup>s</sup>: Broughton Speaker—

Mr: Sec<sup>ry</sup>: Hart brought from the Council the memorial of the Vestry of S<sup>t</sup>: Philips Charles Town, the Representation of the Judges of Willtown Precinct, the Petition of the Inhabitants of Wassamsaw all referr'd to the Consideration of this house—  
May it please Your Hon<sup>r</sup>:

This house has appointed a Com<sup>'</sup>tee to audit the Treasurers accounts which We are of Opinion ought to be done as soon as possible, We therefore desire you will be pleas'd to appoint a Com<sup>'</sup>tee of his Majesties Hon<sup>ble</sup>: Council to meet our Com<sup>'</sup>tee on that affair—

Tho<sup>s</sup>: Broughton Speaker

The house adjourned til two of the Clock in the afternoon—

The house mett according to adjournment—

The two Messages of this morning to the President & Council were Sent up by Mr: Lloyd and Cap<sup>t</sup>: Heyward.

The Memorial of the Vestry & Church Wardens of St: Phillips Cha<sup>s</sup>: Town was read, setting forth that Several Persons that having been in the Public Service are reduced to great want and become burdensome to the said Parish & praying a Stipond may be allowed them out of the Public Treasury, and after debating the Subject matter thereof the Question was put whether the said Memorial should be referr'd to a Comittee

was Carry'd in the Negative

Mr: Secretary Hart brought from his Hon<sup>r</sup>: the President the following Message.

Mr: Speaker & Gent<sup>n</sup>:

Pursuant to your Message just now received I have appointed the Hon<sup>ble</sup>: Coll<sup>o</sup>: William Bull & Benjamin DeLa Conseillere Esq<sup>r</sup>: to be a Comittee of this house to meet a Comittee of your house to Audit the Treasurers Acc<sup>ts</sup>:

Council Chamber 4 November 1725

Ar Middleton

The Representation of the Presid<sup>t</sup>: and assistant Judges of his Majesties precinct Court of Will Town was read setting forth that the powers Privileges &c<sup>a</sup>: given to that Court by divers Laws of the General Assembly are daily infringed and Evaded & that Writts are Issued out of y<sup>e</sup>: General Court in Charles Town Contrary to the aboves<sup>d</sup>: Laws, that they have made Reprintations thereof to the General Court, and further Complainning that notwithstanding their application to the Provost Marshal to appoint a Deputy in their Precinct that he hath refused so to do, and Submitted their Complaint to the Consideration of this house

And the said Representation being taken under Consideration and some debates arising thereon

It was Rejected.

The hum<sup>ble</sup>: Petition of the Inhabitants of that part of St: James goose creek Comonly call Wassumsaw complaining of the Irregularity of their Roads was read and referr'd to the Comittee on Petitions and Accounts.

John Lloyd Esq<sup>r</sup>: from the Comittee appointed to Conferr with a Com<sup>tee</sup>: of his Majesties Hon<sup>ble</sup>: Council Concerning draw-

ing an Address to the President, reported the same as follows which being read was agreed to

To the hon<sup>ble</sup>: Arthur Middleton Esq<sup>r</sup>: President & Com<sup>'</sup>ander in chief in and over his Maj<sup>ties</sup>: Province of South Carolina

The Humble Address of the members of his Maj<sup>ties</sup>: Council and the Members of the Com<sup>'</sup>ons house of Assembly now Conven<sup>'</sup>d in Charles Town.

Whereas your Honour has been pleas'd to lay before us a Letter from his Grace the Duke of New Castle One of his Majesties Principall Secretary's of State dated the 2<sup>nd</sup>: June 1725 Ordering (that upon his Catholick Majesty's Complaints against Erecting the Fort King George upon Allatamaha River by his Majesties Order upon application made by the Governour of St<sup>t</sup>: Augustine Commissaries should be appointed by this Government to meet others on the side of that of St<sup>t</sup>: Augustine to settle the boundaries between the two Governments in Order to prevent any Disputes that may Arise thereon between the two Crown of Great Brittain and Spain We are Humbly of Opinion that tho' it will be for the ease of both Governments to have the boundaries settled in the manner directed by his Grace the Duke of New Castle yet at the same time we take leave to represent to your Honour that we are of Opinion that the next Spring will be the properest time to Settle and adjust the said Boundaries the Winter Season being attended in these parts with too much bad Weather to effect the same.

The follow<sup>g</sup>: Message were orderd to be drawn to his Hon<sup>r</sup>: y<sup>e</sup>: Presid

Hon<sup>ble</sup>: Gent<sup>n</sup>

The Committee of our house appointed to Conferr with a Committee of his Majesties Hon<sup>ble</sup>: Council concerning the drawing an Address to his Honour the President having reported the said Address the house agreed to the same.

May it please y<sup>r</sup>: hon<sup>r</sup>:

This house has appointed a Com<sup>'</sup>ittee on Petitions & Acct<sup>ts</sup>: and desire your Hon<sup>r</sup>: will be pleas'd to appoint a Committee of his Maj<sup>ties</sup>: Hon<sup>ble</sup>: Council to Joyn our Committee on those affairs The two Messages and y<sup>e</sup>: address to y<sup>e</sup>: President were sent up by M<sup>r</sup>: Whitaker & M<sup>r</sup>: Akin.

Benjamin Whitaker Esq<sup>r</sup>: from the Com<sup>'</sup>ittee appointed to inspect into the state of y<sup>e</sup>: Courts of Justice in this Province made y<sup>e</sup>: following Report.

The Committee appointed to Consider of the state of the Courts of Justice are of Opinion.

That the County and Precinct Courts according to the present Practice and Establishment are attended w<sup>th</sup>: many Inconveniences

That three Courts are Sufficient for the Administration of Public Justice Viz<sup>t</sup>: one for Granville County one for Craven County and one for Berkley and Colleton County.

That all Process and Pleading be Issued and filled up at Charles Town and sent to the Several Courts (as near as may be) Agreea<sup>ble</sup>: to the Usage in England.

That the Cheif Justice of the Province preside in each Court and go the Circuits.

That the Chief Justice have a Sallary allowed him and that the fees of his Office be paid into the Publick Treasury towards the Defraying that Charge.

The house adjourn'd till to Morrow morning 9 a Clock

Friday the 5<sup>th</sup>: day of Novemb<sup>r</sup>: 1725 A M

The house mett according to Adjournment

The following Message was order'd to be drawn to his Honour the President

May it please your Hon<sup>r</sup>:

A Member of this house having acquainted the house that one Becket who above three years since run from this Province to St<sup>t</sup>: Augustine is returned from thence since the last Spaniards went away, as this fellows return may be of pernicious Consequences and as he was allways deem'd an Idle fellow, We are humbly of Opinion that he ought to be sent for and examined & desire your Hon<sup>r</sup>: will be pleas'd to Examine him Accordingly— Sent up by Coll<sup>o</sup>: Palmer & Cap<sup>t</sup>: Seabrook

On Motion of M<sup>r</sup>: Rob<sup>t</sup> Hume that the Clerk of this house give attested Copys of all proceedings of this house & of all proceedings of any former Assemblys & of all other papers laid or to be laid before this house to any Person desireing the same, paying the usual fees.



Mr: Secretary Hart brought from his Hon<sup>r</sup>: the President the Address Yesterday drawn to the President agreed to in Council and also the following Message.

Mray Speaker & Gent<sup>n</sup>:

In answer to your message sent last night I have appointed the Hon<sup>ble</sup>: Alex<sup>r</sup>: Sceene & Benj<sup>n</sup>: Skenkingh Esq<sup>rs</sup>: to be a Comittee of his Maj<sup>ties</sup>: Hon<sup>ble</sup>: Council to Join a Comittee of your house on Petitions and Accounts.

5 November 1725

Ar Middleton

The house reading and taking under Consideration the Report yesterday made concerning the Courts of Justice

The Question was put on the second Paragraph whether three Courts were sufficient for y<sup>e</sup>: Administration of Justice in this Province

It was Carried in the Affirmative  
The third Paragraph not agreed to, & thus altered by y<sup>e</sup>: Direction of the house.

That it shall be at the Election of the Plaintiff to take out his writt in the Precinct where he lives or from the General Court in Charles Town.

Mr: Whitaker & Cap<sup>n</sup>: Bond were directed to carry up y<sup>e</sup>: Report of the Com<sup>'</sup>ittee on the Courts of Justice alter'd and amended in this house And the Address of the Council & Assembly to the President with proposals of an Amendm<sup>t</sup>: which upon those Gentlemens return they informed the house the Council had agreed to

This day being the Anniversary of the happy Deliverance of King James the first and the three Estates of England from the most Traiterous intended Masacre by Gun-powder, the Speaker and the whole house went to Church and being return'd

The house Adjourn'd till 3 a Clock Afternoon

Friday Novembr: 5<sup>th</sup>: 1725 P M

The house mett according to Adjourn<sup>t</sup>:

Capt: Dry and Cap<sup>n</sup>: Raven were orderd to Carry up the Address to the President to the Members of his Majesties Council in order to their signing the same

On motion made of Capt: Green Resolved That a Proper Flagg be provided for the Fort at Beaufort on Port Royal Island & that this Resolution be sent to his Hon<sup>r</sup>: the President & his Maj<sup>ties</sup>: Hon<sup>ble</sup> Council for their Concurr<sup>e</sup>: and that his Hon<sup>r</sup>: be desired to give Directions accordingly.

Resolved That the two peices of Ordinance now lying at M<sup>r</sup>: Livingstons Plantation on Ashly River, be deliver'd to the Com'ander in cheif of the Southward part of this Province or to his Order to be plac'd on Hilton's head as also 50<sup>wt</sup>: of Power six rounds of Shott for the said Guns & some Partridge all which shall be delivered to the Custody of such Persons resideing on the said Island as he thinks fitt for their better security and defence. And that Resolution be sent to his Hon<sup>r</sup>: the President & his Majesties Hon<sup>ble</sup>: Council for their Concurrence & that M<sup>r</sup>: Speaker do Sign the same.

M<sup>r</sup>: Secretary Hart brought from his Honour the President the following Message

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

In my Speech to you at the opening of this Sessions mentioning the regulateing the Courts of Justice in this Province my thoughts were not upon altering their Number but only for putting them upon such a footing as might be of general Use to this Province, but since it is your Opinion that a less number will serve tiis the Opinion of my Self and his Majesties Hon<sup>ble</sup>: Council that one in each County (under proper regulations be Sufficent this will be Suitable to the method of having them in County's in Great Brittain w<sup>ch</sup>: we shall endeavour to Copy after.

As to any Regulations you shall think fitt to put them under wee shall be ready to Joyn with you.

We agree with you in the Clause of Your Report that it shall be at the Election of the Plantiff to take out his writt in the Precinct where he lives or from the General Court in Charles Town.

Council Chamber

Ar: Middleton

Novembr<sup>r</sup>: the 5<sup>th</sup>: 1725

Order'd that M<sup>r</sup>: Lloyd Coll<sup>o</sup>: Fenwick and Cap<sup>t</sup>: Dry be a Com'ittee to meet a Com'ittee of his Majesties Hon<sup>ble</sup>: Council to consider of the best Expedient for obtaining the money now in the hands of Kingsmill Eyre Esq<sup>r</sup>: due to this Province rec'd by him on Account of Fort King George.

May it please Your Hon<sup>r</sup>:

This house appointed a Committee to consider of the best Expedient for obtaining the money now in the hands of Kingsmill

Eyre Esq<sup>r</sup>: due to this Province received by him on Account of Fort King George and we desire Your Honour will appoint a Com<sup>'</sup>ittee of his Maj<sup>ties</sup>: Hon<sup>ble</sup>: Council on that affair.

And that you'l please to appoint a Com<sup>'</sup>ittee Com<sup>'</sup>ittee of the Council to meet our Com<sup>'</sup>ittee appointed for that purpose to State the Powders receivers Accounts.

The Above message & Resolution sent up by M<sup>r</sup>: Whitaker and Cap<sup>t</sup>: Green

The House adjourn'd till to Morrow morning 9 a Clock

Saturday Morning Novemb<sup>r</sup>: the 6<sup>th</sup>: 1725.

The house mett according to adjournment:

The Com<sup>'</sup>ittee on Petitions and Accounts acquainted the house that they were ready to make their Report & being directed so to do M<sup>r</sup>: Rhett one of the said Comittee read the same in his Place & delivered it in at the Table and is as foll<sup>ws</sup>:

The Com<sup>'</sup>ittee upon Petitions and Accounts do report upon y<sup>e</sup>: Petition of Several of the Inhabitants of the upper part of S<sup>t</sup>: James Goose creek called Wassamasaw.

That having Examined Several of the Petition<sup>rs</sup>: as well as some of the Com<sup>'</sup>ission<sup>rs</sup>: of Highways for that Parish on y<sup>e</sup>: subject of the s<sup>d</sup>: Petitions

The Petitioners desire'd leave to withdraw their Petition which the Com<sup>'</sup>ittee recom<sup>'</sup>end may be done, and that as it appears to the Com<sup>'</sup>ittee the said Petition<sup>rs</sup>: are a Frontier People and have Lay'd under many Difficulties in the Indian Warr and having inadvertently refused to Work on the Roads directed them by the Comission<sup>rs</sup>. and are thereby lyable to pay the Fines directed by Law The Comittee are of Opinion the Case should be recomended to the said Com<sup>'</sup>ission<sup>rs</sup>: to apply the Petitioners Fines in such manner (as Much as may be) to ease them in making the Necessary roads for the District of Wassumasaw.

November the 6: 1725 Read & agreed to

W<sup>m</sup>: Blakewey CDC

Hon<sup>ble</sup>: Gent<sup>n</sup>:

Herewith wee send send you the Report of the Com<sup>'</sup>ittee to whom the Petition of Several of the Inhabitants of the upper part of S<sup>t</sup>: James Goose-creek called Wassumasaw was referr'd which this House has read & agreed to

Thos: Broughton Spk<sup>r</sup>.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

The Court of Comon pleas being to sitt next week w<sup>ch</sup>: will require the attendance of five of our Members, The Treasurers Accounts being now to be Audited which will take up some time & the Necessity of preparing a Tax Bill, & there not being at present before us any matters of very great moment but what may be postponed for a week it is the Desire of the house that you'l please to give us leave to adjourn for that time.

The house taking under Consideration Your Hon<sup>rs</sup>: Message of Yesterdays date Order'd the following Message to be sent in answer.

May it please Your Hon<sup>r</sup>:

This house having had under their Consideration Your Honours Message of Yesterday, do concurr with you in the Establishing four County Courts under proper Regulation and will give Directions for bringing in a Bill agreeable to the Report & your Hon<sup>rs</sup>: message

Thos: Broughton Sp<sup>r</sup>:

Sent up by M<sup>r</sup>: Allen & Cap<sup>t</sup>: Broughton

Cap<sup>t</sup>: Green a member of this house Complaining that Childermas Croft insolently affronted & abused him last night as a Member of the house which being taken under Consideration.

Order'd That John Brown Gent<sup>n</sup>: messenger of this house do take into his Custody the body of the said Childermas Croft for his Insolently affronting and abusing the said Cap<sup>t</sup>: Green and that he remain in his Custody until further orders from this house & that M<sup>r</sup>: Speaker do Sign this Order.

M<sup>r</sup>: Secretary Hart brought from his Hon<sup>r</sup>: the President y<sup>e</sup> following Message.

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

In Answer to your Message just now received I am willing to consent to y<sup>r</sup>: desire of an Adjournm<sup>t</sup>: for a week provided it be no longer and I hope you will take care to give direction to the messenger of your house to Su'mons the absent members to meet on monday Sevenight preremtarily then to attend the Publick buissness I hope the Recess of this week will Give an Oppertunity of finishing the Treasurers Accounts.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

The house observing the Care your Honour was pleased to take of this Town last night in giving strict charge to the Con-

stables to prevent mischief by the throwing Squibs or other fire works, return your Hon<sup>r</sup>: our hearty thanks for the Same, And we desire your Honour will be pleas'd to Issue your Proclamation directly forbidding and prohibiting the throwing of Squibs or any other fire-works in Charles Town at any time hereafter.

Sent up by M<sup>r</sup> Lloyd & Cap<sup>n</sup>: Nicholls.  
Order'd That the Clerk prepare the Tax Bill against the next Sitting of the house.

The Secretary brought from his Hon<sup>r</sup>: the President the Resolution concerning the Guns and powder to be plac'd on Hiltons head and the Flagg for Port Royal concurr'd to by the Council. The Petition of the Constables of watch read and Comitted to the Committee on Petitions.

Orderd that M<sup>r</sup>: Rhett be added to y<sup>e</sup>: Com<sup>it</sup>tee on the Treasurers Accounts

Orderd that Benjamin Whitaker & M<sup>r</sup>: Rob<sup>t</sup>: Hume do bring in a Bill for Establishing County Courts.

The house adjourn'd till monday 15<sup>th</sup>: of this Inst<sup>t</sup>: four of the Clock in the Afternoon

Monday the 15<sup>th</sup>: day of Novemb<sup>r</sup>: 1725

The house mett according to Adjournm<sup>t</sup>: & adjourn'd till to morrow Morning 9 of the Clock

Tuesday the 16<sup>th</sup>: November 1725

The house mett according to Adjournm<sup>t</sup>

The Clerk of this house according to the Orders thereof laid before the house

A Bill for raising the Sum of \_\_\_\_\_ for defray-  
ing the Contingent charges of the Governm<sup>t</sup>: for one Year  
Commencing the \_\_\_\_\_ day of \_\_\_\_\_ & ending the  
\_\_\_\_\_ day of \_\_\_\_\_

A Bill for settling Patrolls in Convenient parts of this Province  
The Bill for raising the Sum of \_\_\_\_\_ was read &  
first time & past with amendm<sup>ts</sup>: and sent up to the Council by  
M<sup>r</sup>: Allen and Cap<sup>t</sup>: Bond.

The Bill to settle Patrolls in convenient parts of this Province  
was read the first time & past with amendm<sup>ts</sup>: & Sent up by  
M<sup>r</sup>: Izard & Cap<sup>t</sup> Raven.

The Petition of Childermas Croft was read setting forth that he is in Custody of the Messenger of this house for abusing Capt: Green a Member of this house That he is heartily Sorry for his offence and humbly asks pardon and prays to be discharged out of y<sup>e</sup>: Custody of the Messenger.

And the said Petition being taken under Consideration.

Resolved That the said Childermas Croft be sent for and that the speaker do severely reprimand him for his Offence and that he be discharg'd out of Custody paying his fees.

And the said Croft being brought before the house he acknowledged his offence and humbly beg'd pardon of the house the Speaker then Severely reprimanded him and he was acquainted that he was discharg'd upon his Submission paying his fees—

The Petition of John Hale was read praying to be releived from being charged with three times the Value of his Tax

Order'd That Alexander Parris Esq<sup>r</sup>: Publick Treasurer do pay out of the Publick Treasury of this Province unto Jn<sup>o</sup>: Lloyd Esq<sup>r</sup>: for the Expence he was at in causing the maps he carried to Great Britain when agent to this Province to be framed, the Sum of fifty pounds Current money & that this Order be Sent to his Honour the President and his Majesties Hon<sup>ble</sup>: Council for their Concurrence and that M<sup>r</sup>: Speaker do sign the same.

M<sup>r</sup>: Secretary Hart brought from his Hon<sup>r</sup>: the President the following Message together with the writt for Electing two members for the Parish of St<sup>t</sup>: James Santee whereby it appeared that M<sup>r</sup>: Roger Moore and M<sup>r</sup>: Tho<sup>s</sup>: Smith were duly Elected, the Messenger was directed to Order the said M<sup>r</sup>: Moore and M<sup>r</sup>: Tho<sup>s</sup>: Smith to attend the house.

M<sup>r</sup>: Moore attending & declaring he would Qualify as a member of this house, M<sup>r</sup>: Lloyd and Coll<sup>o</sup>: Herbert were directed to go with him to the Council in order to his taking the State Oaths & being returnd they acquainted the house that M<sup>r</sup>: Moore had taken the State Oaths in Council, and having taken the Oath of Qualification of a member of this house he took his place in the house accordingly

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

I herewith send you the writt & return of the members Elected for St<sup>t</sup>: James Santee together with the letters I received from

Mr: Gendroon inclos'd I think one of the Church-wardens ought to have been here to wait on both houses as usuall.  
November the 16<sup>th</sup>: 1725

Ar: Middleton.

Mr: Secretary Hart brought from his Hon<sup>r</sup>: the President eight Bibles sent by his Excellency Francis Nicholson Esq<sup>r</sup>: Governour for the use of the members of this house from the time being together w<sup>th</sup>: the follow<sup>g</sup>: Message

Mr: Speaker & Gent<sup>n</sup>:

I have received from his Excellency Francis Nicholson Esq<sup>r</sup>: Governour by the hands of the Reverend Mr: Guy eight bibles for .

The use of your house, in your Pew in the Church which I herewith send you, & desire you to signify the receipt of them to me

16 Novembr: 1725.

Ar: Middleton

May it please y<sup>r</sup>: Hon<sup>r</sup>:

Wee have received the eight bibles sent by his Excellency Francis Nicholson Esq<sup>r</sup>: for the use of the members of this House for the time being, and wee desire you will be pleased to return our hearty thanks to his Excell<sup>y</sup>: for his kind and Valuable present

The house adjourn'd till 2 of the clock afternoon

The house mett according to adjournment

The Comittee of Petitions and Accounts made the following Report on the petition of John Hale which was read and agreed to and Order'd to be sent up to the Council with a Message praying their Concurrence.

The Comittee on Petitions and Accounts do Report on y<sup>e</sup>: Petition of John Hale That it appears by Information of the Public Treasurer—that Execution has been leyed on the said Hale as a Defaulter in not making a Due return as the Law directs Viz<sup>t</sup>: for three times the amount of his Tax for this present Year w<sup>ch</sup>—: was Eleven pounds

That as the said Hale did not designedly refuse making the Return or paying his Tax but as it otherwise appears to the Comittee his own Indisposition and some other impediments was the true Cause. Wee are therefore of Opinion that the publick

Treasurer be directed to Remitt so much of the same Levied on the said John Hale as a Defaulter and receive no more than the Amount of his Tax and that the said Hale pay the Charges arising from the Execution as well as forthwith pay his Tax to the said Treasurer—

Read & agreed to and Order'd that proper directions be accordingly given to the Treasurer

May it please y<sup>r</sup>: Hon<sup>r</sup>:

A Petition being laid before the house by John Hale Complaining of some Hardships on Account of the Treasurers granting an Execution for treble the Value of his Tax, & a Com<sup>'</sup>ittee of our house having made a Report thereon we send to your Honour and his Majesties Council the said Report agreed to by this house together with the Said Petition and Desire your Honours will be pleas'd to Concurr w<sup>th</sup>: us therein.

Sent up by M<sup>r</sup>: Akin & Cap<sup>n</sup>: Bond.

The Petition of Thomas Henly was read praying to be paid for a Negroe out of the Treasury kill'd by a white man, & the same was referrd to the Committee of Petitions and Acc<sup>ts</sup>:—

M<sup>r</sup>: Secretary Hart brought from his Honour the President the following Message together with Coll<sup>o</sup>: Chicken's Journal to the Cherokees and the Petition of the Vestry of the Church wardens of S<sup>t</sup>: Pauls Parish.

M<sup>r</sup>: Speaker and Gent<sup>n</sup>:

Herewith we send you Coll Chickens Journal of his Proceedings at the Cherokees which we have perused and doubt not but when your House has done the like you will be ready to Concurr with us in returning our thanks to that Gent<sup>n</sup>: for the great care and pains he hath taken in Executing his Com<sup>'</sup>ission for the good of this Province

16 November 1725

Ar: Middleton

The Petition of the Vestry and Church-wardens of S<sup>t</sup>: Paul Parish praying an Allowance out of the Publick Treasury for the building a Parsonage house. Order'd that the same be Com<sup>'</sup>itted to the Com<sup>'</sup>ittee on Petitions and Accounts.

The house adjourn'd till to morrow morn<sup>g</sup>: 9 of y<sup>e</sup> Clock



Wednesday Morning the 17<sup>th</sup>: Novemb<sup>r</sup>: 1725

The house mett According to Adjournment

Mr: Secretary Hart brought from his Hon<sup>r</sup>: the President the following Message together with the Petition of John Hale and the Report of this house upon it the Petition of Will<sup>m</sup>: Miles and the Petition of the South & East side of Pon Pon River.

Mr: Speaker & Gent<sup>n</sup>:

We have perused Mr: Hales Petition and your Report thereon for our Concurrence, but the said Petition not being addressed to us, wee can take no Notice of it & therefore send the same back to you

17 November 1725

Ar Middleton

The Petition of William Miles was read praying to be paid for a Negroe killd which was referr'd to the Com<sup>it</sup>tee of Petitions and Accounts.

The house Order'd Coll<sup>o</sup>: Chicken's Journal of his Journey to the Cherokees to be read which was read.

The house considering that the said Coll<sup>o</sup>: Chicken had acquitted himself of the matters to him entrusted in the Cherokee Nation and as Comiss<sup>r</sup>: for Indian affairs, with Honour & highly to the advantage of the Province

Resolved That the thanks of this house be given to Coll<sup>o</sup>: Chicken for the same and the thanks of this house was given by the Speaker to the said Coll<sup>o</sup>: Chicken accordingly.

And then the following message was order'd to be drawn to his Hon<sup>r</sup>: y<sup>e</sup> Presid<sup>t</sup>:

May it please your Hon<sup>r</sup>:

This house having read Coll<sup>o</sup>: Chickens Journal to the Cherokees and finding therein that he hath acquitted himself of the matters Comitted to his Charge with Honour and to the advantage of the Province have returnd him the thanks of this house for the same the house observing in the s<sup>d</sup>: Journal that Capt<sup>t</sup>: Hatton informed the Indians that they might expect white men to their Assistance and that if they ask'd for any they should demand three hundred this we take to be a very great Misdemeanour and might have been of very I'll Consequencee to this Province, We therefore desire your Honour will be pleased to reprimand him for the same, and to give strict Charge to behave himself better for the future.

Mr: Rhett from the Committee of Petitions and Accounts made the following Report Viz<sup>t</sup>:

The Com<sup>'</sup>ittee of Petitions & Accounts do report on the following Petitions

First/The Petition of Daniel Townsend Edward Vanvelsen and

Conelius Battonn Comand<sup>rs</sup>: of y<sup>e</sup> Watch in Charles Town  
That it appears to the Com<sup>'</sup>ittee the said Com<sup>'</sup>anders of the Watch did by order of his Honour the President do Extrordinary dutys during the Spaniards stay here in the manner following Viz<sup>t</sup>:

Edward Vanvelsen and his Watch	} Two Days and one Night
Cornelus Batton and his Watch	
Daniel Townsend & his Watch Two Days	

The Committee are therefore of opinion the Publick Treasurer be directed to pay the said Comanders & their Several Watches for their Extrordinary Duty according to the time above mentioned.

The Petition of Tho<sup>s</sup>: Henley that by a Certificate under the hands of two Justices and three freeholders of Craven County, it appears that a Negro Man belonging to the said Hendley was killd by one Andrew Collins, at the time when the people of Winyaw were under Arms from some apprehensions they had of the Waccamaw Indians designing mischief against them for that the said Collins in the Night seeing a Man armed coming up to his house challenged him who not answering he thereupon shott him dead which proved to be the Negroe beforemention'd belonging to Mr: Hendley.

The Committee are of Opinion the case of Mr: Hendley is the same with that of Coll<sup>o</sup>: Fenwick Mr: Stone and others who were all paid by the Publick for Negroes kill'd by accidents of this Nature and do therefore recomend that Provision be made in the Estimate for the ensuing Year to pay the said Hendley the Sum of £100:0:0 which is the Sum allowed by Law in such Occations.

Thirdly The Petition of William Miles praying an Order on y<sup>e</sup>: Publick Treasurer for the Sum of £80:0:0 for a Negroe of his Executed for killing another Negroe.

The Committee find there is Sufficient Provision made by Law for the better Governing and Ordering of Slaves for the payment of all such Negroes as should be condemned and Executed According to Law, by an assessment to be made on the In-

habitants of the Precints where such Negroe is executed and the Com'ittee are of Opinion that there can be no Difficulty in making such an Assessment for the Precinct of Charles Town as the Petitioner setts forth but rather a failure in the Justice of the Precinct.

November the 17<sup>th</sup>: 1725

The house reading and taking under Consideration the above Report came to the following Resolutions thereon.

Order'd that twenty pounds be paid out of the Publick Treasury unto the Constables of the Watch distributed according to their Dutys

The house agreed to the Report on Hendley's Petition.

The house also agreed to the Report on Miles Petition.

Resolved That no Petition be read in this house before the officers fees are paid.

The house adjourn'd till 2 of the Clock in the afternoon

The house mett According to Adjournment.

The Petition of the Inhabitants on the South and East side of Pon Pon River was read and referred.

The Petition of John Hale was read and Referred

Mr: Secretary Hart brought from the President the following Message together w<sup>th</sup>: a Letter from Coll<sup>o</sup>: Parris to his Honour Mr: Speaker & Gent<sup>n</sup>:

Herewith I send you Letter I have received from Coll<sup>o</sup>: Parris Comiss<sup>y</sup>: with Complaints against one of the Officers of one of the Garrisons, I look upon this as a matter proper for your Consideration, and therefore send it for your Perusal.

Ar Middleton

Mr: Whitaker from the Com'ittee appointed to draw a Bill for settling County Courts acquainted the house that before they could proceed to y<sup>e</sup>: drawing the said Bill they took leave to lay before the house some Matters which they thought they ought to be Govern'd by in drawing the said Bill and he read the same in his Place.

And the house having gone through great part of the Scheme laid before the house

The Question was put in the tenth Paragraph whether the Plaintiff shall have his Election to try his Action in the General Court or in the County Courts where the Defft: lives

Carried in the Negative

And then the Question was putt whether the house would take take under Consideration the remaining part of the said Scheme.

Carried in the Negative  
Motion was make that the Question should be put whether the Execution of the Acts Establishing County and Precinct Court Should be Suspended for three years and some Debates arising on the said question.

The Previous Question was put if the said Question should be put

Carried in the affirmative  
And then the Question was put if the Execution of the acts of Establishing County and Precinct Courts should be suspended for three Years

Carried in the Negative

The two following Messages were Order'd to be drawn to his Honour the President.

May it please your Honour.

The Comittee of our house appointed on Petitions & Accounts having made the Report herewith sent to you Wee have agreed therewith and desire your Honours Concurrence with us.

May it please your Hon<sup>r</sup>:

This house has appointed Coll<sup>o</sup>: Chicken Mr: Whitaker and Coll<sup>o</sup>: Herbert to inspect into the Complaint against Cap<sup>t</sup>: Rowland Evans and wee desire your Honour will be pleased to appoint a Com<sup>'</sup>ittee of his Majesties Hon<sup>'</sup>ble: Council to meet a Com<sup>'</sup>ittee on this affair.

Sent up by Coll<sup>o</sup>: Palmer and Coll<sup>o</sup>: Herbert.

The house adjourn'd till to morrow morning 9 of y<sup>e</sup>: Clock

Thursday the 18<sup>th</sup>: day of Novemb<sup>r</sup>: 1735

The house mett according to adjournment

The Petition of Cap<sup>t</sup>: John Croft was read praying to be pay'd for his trouble for Translating several Spanish letters and being Interpreter, which was referr'd,

Order'd That Mr: Roger Moore be added to the Com<sup>'</sup>ittee for finding out the best expedient to obtain the Money in the hands of Mr: Eyre.

Order'd That Coll<sup>o</sup>: Chicken Coll<sup>o</sup>: Jn<sup>o</sup>: Herbert Mr: George Smith Cap<sup>t</sup>: Daniel Green & Mr: Whitaker, be a Comittee to Audit the Powder receivers Accounts to View the Fortifications and the Armory & that they have in Charge to inquire into the expence of powder upon Salutes.

Order'd That Mr: Humes be added to the Committee of Petitions & Acc<sup>ts</sup>:

Mr: Secretary Hart brought from his Majesties Council the following Message

Mr: Speaker & Gent<sup>n</sup>:

In answer to your Message of last Night relating to the thanks your house have given to Coll<sup>o</sup>: Chicken Wee readily joyn with you in Opinion that he has acquitted himself of the matters Com<sup>it</sup>ted to his Charge with Honour, & to the advantage of this Province and therefore have return'd him our thanks also. As to that part relating to Cap<sup>t</sup>: Hatton care shall be taken to make him sensible of his Indiscretion as you desire.

We have appointed the Hon<sup>ble</sup>: Alexander Skeen & Benj<sup>n</sup>: Skenkingh Esq<sup>rs</sup>: to be a Committee of this house to meet a Committee of your house relating to the Moneys in the hands of Kingsmill Eyre

Ar: Middleton

The house adjourn'd til of the Clock afternoon

The house mett according to Adjournment

Mr: Secretary Hart brought from his Honour y<sup>e</sup>: Presid<sup>t</sup>: y<sup>e</sup>: foll<sup>g</sup>: Message

Mr: Speaker & Gent<sup>n</sup>:

I cannot help joyning Myself with his Majesties Hon<sup>ble</sup>: Council to assure you, we are very Sorry to hear that you have laid by all thoughts of making the necessary amendm<sup>ts</sup>: to the Precinct Court Acts

I am very sencible that every Gentleman of your house must be perswaded that those Courts (upon their present footing) are almost useless and very far from answering the Ends they were at first design'd for.

I made no doubt but when you took it under your Consideration you would have Contriv'd some Method to Regulate them, So as to make them useful and Advantageous to Posterity.

I must therefore again recomend this to you as an affair of great Consequence, And do assure you that nothing will be wanting in me or the Hon<sup>ble</sup>: Members of this house to give you our best assistance for this end.

18 Novemb<sup>r</sup>: 1725

Ar: Middleton

The above Message was read & taken under Consideration and then the Question was put whether a Com'ittee should be appointed to meet a committee of his Majesties Hon<sup>ble</sup>: Council on the Subject matter of the said Message.

Carried in the affirmative

And then the following Committee were appointed M<sup>r</sup>: Izard Coll<sup>o</sup>: Hall & M<sup>r</sup>: George Smith to meet a Com'ittee of his Maj<sup>ties</sup>: Council on the Subject matter of the above message

May it please y<sup>r</sup>: Hon<sup>r</sup>:

This house haveing taken under Consideration your honour message of this Afternoon relating to the Regulation of the Precinct Laws have appointed a Com'ittee of this house to meet a Committee of his Maj<sup>ties</sup>: Hon<sup>ble</sup>: Council on that affair & wee desire such a Committee of Council may be appoint<sup>d</sup> Accordingly. Sent up by M<sup>r</sup>: Moore and Coll<sup>o</sup>: Herbert

John Lloyd Esq<sup>r</sup>: from the Com'ittee appointed to meet a Committee of his Maj<sup>ties</sup>: Council to Consider of the best method for obtaining the money due to this Province now in the hands of Kingsmill Eyre made the following Report,

The Committee of both houses appointed to Conferr of the properest method to obtain the Sterling Money in Kingsmill Eyre Esq<sup>r</sup>: hands to reinburse this Country the money laid out in building Alatomaha Fort.

Report

That it is the Opinion of the Com'ittee that the Committee of Correspondence be order'd to write a Letter to M<sup>r</sup>: Younge Agent for this Province in London in answer to his Letter that was the foundation of this Committee that as the Coin that came to this Province for which M<sup>r</sup>: Eyres stops this Sterling Money was without any manner of Encouragem<sup>t</sup>: from the General Assembly who from its first Coming resolved to have nothing to do with it, He to go to M<sup>r</sup>: Eyres with that Letter & copy's of such resolves as have past the Com'ons house of Assembly relating to that Coyne & acquaint him that the General Assembly of this Province cannot suppose that M<sup>r</sup>: Eyre will charge the Publick of this Province with £500 Sterling for what is not nor cannot be of any manner of Conveniency or advantage to the same but that he will pay y<sup>e</sup>: ballance in his hands to M<sup>r</sup>: Younge our Agent—

The above report agreed to & sent up to his Majesties Hon<sup>ble</sup>: Council.

Mr: Whitaker from the Committee appointed to Examine into the complaint against Cap<sup>t</sup>: Evans made the following Report.

The Committee appointed to examine into the Complaint ag<sup>t</sup>: Cap<sup>t</sup>: Rowland Evans Report.

That they have informed themselves in the best manner they could concerning the matters laid to his charge & are of Opinion that the said Cap<sup>t</sup>: Evans has not been guilty of any Action misbecoming a good Officer and that the said Complaints are groundless.

That the Com<sup>'</sup>ittee have been informed that Abbot one of the Complainants is a very scandalous person.

The above Report being read and taken under Consideration the same was agreed to.

The house adjourn'd til to morrow morning nine of the Clock

Friday morning the 19<sup>th</sup> November 1725.

The house met according to adjournment

Cap<sup>t</sup>: Bond from the Com<sup>'</sup>ittee on Petitions & Accounts made the following Report—— .. —— .. ——

The Com<sup>'</sup>ittee of Petitions & Accounts Report as follows

A Petition of Cap<sup>t</sup>: John Crofts praying to be pay'd for his service as Linguister and translator between the Spanish Government of Augustine & this. .. —— .. ——

It appears to the Com<sup>'</sup>ittee that the said Cap<sup>t</sup>: Crofts has been very serviceable in the aforesaid Station in w<sup>ch</sup>: he has acted by Order of the Com<sup>'</sup>ander in cheif of this Province & his Majest<sup>s</sup>: Hon<sup>ble</sup>.. Council. Your Com<sup>'</sup>ittee are therefore of Opinion that the Petitioner be allowed the Sum of One hundred & fifty pounds it appearing to the Com<sup>'</sup>ittee that he has been very ready and diligent & may be of great use to the Publick on the like Occasions.——

2<sup>dly</sup>., .. A Petition of the Inhabitants on the South side Pon Pon River praying that ferry fixed at Wrixam's landing may be removed to Jackson's; the Com<sup>'</sup>ittee having examin'd some of the Petitioners whose hands were to the former Petition for fixing the ferry at Wrixam's and who have also Petitioned to Remove it to Jacksons were inform'd by them that they never signed the first Petition & as

your Com'ittee find the aforesaid Inhabitants are now unanimous in their desire to remove it to Jacksons they are therefore of Opinion that it is reasonable to grant it them...——

3<sup>dly</sup>,, An account of Coll<sup>o</sup>,, Chicken's for the sume of thirty five pounds the Com'ittee having sent for Coll<sup>o</sup>,, Chickens were inform'd by him that on or about the 16<sup>th</sup> of August 1724 he furnished by Order of the Govern<sup>r</sup>: & Council one John Chester with a horse which was killed in the way as it appear'd to the Com'ittee by the information of the said Coll<sup>o</sup>,, that the horse was of the value aforesaid. they are humbly of Opinion it ought to be allowd—— .. ——

5<sup>thly</sup>: An Account of James Mc:Gillivray for the Sum' of seven pounds the Com'ittee having been informed by Coll<sup>o</sup>,, Parris Treasur<sup>r</sup>: that he had refused paying the said acct: the said Mc:Gillivray not producing a Receipt for two barrels of Pork sent by him to Savanno Town w<sup>ch</sup>: receipt was after produced sign'd by Capt: Monger, he likewise informed us that he Supplied him with Provisions for his Voiage & that it was usual with them to stay longer on their voiage than necessary, so that it not appearing to your Com'ittee that it was a necessary expence they are of Opinion it ought not to be allowed. .. ——

6<sup>thly</sup>: An account of Mr: Tho<sup>s</sup>: Lloyd Capt<sup>t</sup>: of the Fortifications for £114:12:6 it appear'd to your Com'ittee by the Oath of the said Thomas Lloyd that £29:12:6 was expended by him for necessarys for the Carriages & Guns w<sup>ch</sup>: said Sum' the Com'ittee are of Opinion ought to be allowed but the Sum' of £115 for overseeing the work being what was rejected the last Sessions of this Assembly, the Com'ittee Submit to the Consideration of this house he having informed us the Publick saved the Charge of an Overseer.

7<sup>thly</sup>: A Petition of John Hale praying to be releived from the penalty incurred by not paying his Tax according to Law, it appearing to the Com'ittee that the said Hale did not designedly refuse making his return or paying his Tax, his indisposition or some impedim<sup>t</sup>: hindring him, We are therefore of Opinion that the Publick Treasurer be directed to remit so much of the Sum' to the said Hale as a defaulter & receive no more than the amount of his



Tax he paying the Charges arising on the Execution as well as forthwith his Tax to the Publick Treasurer.

8thly: An Acct: of Capt: Dry's for the Sum of £3:13:1½ w<sup>ch</sup>: said account not being signed for the Said Capt: Dry, no voucher appearing the Com'ittee are of Opinion it ought to be referred til the said Capt: Dry comes to town——

Novemb<sup>r</sup>: 18th: 1725.

The house having read and agreed to the above Report the follow<sup>g</sup>: message was ordered to be sent.

Hon<sup>ble</sup>., Gent<sup>n</sup>.

herewith We send you the Report of the Com'ittee on Petitions and accounts, our opinion on each article in the s<sup>d</sup>: Report you will find in the margin & desire you will peruse it and return it to us with your Opinion thereon.

Tho<sup>s</sup>: Broughton Speaker.

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the follow<sup>g</sup>: message

Mr: Speaker & Gent<sup>n</sup>:

Hereunder is an acct: of what (I have been inform'd by Coll<sup>o</sup>: Chicken) will be proper to send as a present to the Cheifs of the Cheerokee Indians therefore desire your Concurrence & that an Order may be given to Coll<sup>o</sup>: Parris to provide them accordingly.

Ar. Middleton.

presents to be sent up to the four following Indians.

To the upper King, one Coat, one Shirt one pair of Stockings  
To the head Warriour of Tunnissey 1 Coat, 1 Shirt 1 p<sup>r</sup>: Stockings & a pistoll.

To the head Warriour of Toogelo, 1 Coat, 1 Shirt & 1 p<sup>r</sup>: Stockings.

To old Breaker face 1 Coat, 1 Shirt, & 1 pair of Stockings.

The bil to encourage persons to transport themselves from Great Britain or Ireland was read the first time & past with amendments & sent up by Mr: Whitaker and Capt: Raven.

May it please y<sup>r</sup>., Hon<sup>r</sup>:

This house has read the Report of the Com<sup>tee</sup>: appointed to Conferr of the properest methods to Obtaind the Sterling money in the hands of Kingsmill Eyre Esq<sup>r</sup>: & having taken the said

Report under Consideration the house has agreed to the same which is sent up to you for your Concurrence.

Tho<sup>s</sup>: Broughton Speaker

Sent up by M<sup>r</sup>: Hume and M<sup>r</sup>: Ashby

The Act for establishing Patroles &<sup>ca</sup>: was begun to be read a second time & Comitted to a Com'ittee for Revisal Viz<sup>t</sup>: Coll<sup>o</sup>., Chicken Coll<sup>o</sup>: Fenwicke Coll<sup>o</sup>: Herbert & Cap<sup>t</sup>: Bond.

Order'd that Allex<sup>r</sup>: Parris Esq<sup>r</sup>: Com'issary do forthwith provide the following particulars to be sent to the Cheerokees & to be disposed off as follows Viz<sup>t</sup>:

To the upper King 1 Coat, 1 Shirt, 1 p<sup>r</sup>: Stockings.

To the head Warriour Tunnissey 1 Coat 1 Shirt 1p<sup>r</sup>: Stockings & a pistoll.

To the head Warriour of Toogelo 1 Coat 1 Shirt & 1 p<sup>r</sup>: Stockings.

To old Breaker face 1 Coat 1 Shirt & 1 p<sup>r</sup>: Stockings.

And that this Order be sent to his Hon<sup>r</sup>: the President & his Majesties Hon<sup>ble</sup>: Council for their Concurrence & that M<sup>r</sup>: Speaker do sign y<sup>e</sup> same

The house adjourn'd til two of the Clock in the afternoon

The house met according to adjournment.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the bil for encouraging persons to transport themselves from Great Britain & Ireland &<sup>ca</sup>: read in Council the first time & past with amendm<sup>ts</sup>: the Report of the Comittee on Petitions and accounts agreed to by the Council.

The order to Coll<sup>o</sup>: Parris to provide things for the Cheerokees concurr'd to in Council was brought down by the Sec<sup>ry</sup>: together with the report of the Com'ittee appointed to Conferr with the Com'ittee of Council on the properest method to Obtain the Sterling money in the hands of Kingsmil Eyre Esq<sup>r</sup>: agree'd to in Council with some amendments & the house reading & Considering the said amendment disagreed to the same & M<sup>r</sup>: Lloyd & M<sup>r</sup>: Moore were order'd to carry it to the Council & to let them know that this house would not agree to their amendment & being return'd they inform'd the house that the Council consented that their amendment should be razed out.

The several Com'ittees attended the several matters they had in charge

The house adjourn'd til tomorrow morning nine of the Clock

Saturday morning the 20<sup>th</sup> day of November 1725.

The house mett according to adjournment.

Order'd that Allex<sup>r</sup>: Parris Esq<sup>r</sup>: Treasu<sup>r</sup>: do forthwith prepare an estimate of the Charges of the ensuing year in order to be lay'd before this house that the same may be Completed before the tax act passes.

Order'd That Coll<sup>o</sup>: John Fenwick M<sup>r</sup>: Whitaker & M<sup>r</sup>: George Smith be a Com<sup>'</sup>ittee to treat with Nicholas Trot Esq<sup>r</sup>: about his finishing and Compleating his Collection of Laws to this time & printing the same & that the said Com<sup>'</sup>ittee have in Charge to inspect into what Laws are expired or near expiring——

The petition of Benj<sup>a</sup>: Romsey & Martha his wife was read & rejected.

The petition of Edmond Maxwell was read and referr'd.

The petition of Theophilis Hastings was read and referr'd.

Geo: Smith Esq<sup>r</sup>: from the Com<sup>'</sup>ittee appointed to Conferr with a Com<sup>'</sup>ittee of his Majesties Council on the best method of Regulating the Precinct Crts made the following Report.

The Com<sup>'</sup>ittee of this Hon<sup>ble</sup>: house appointed to Conferr with the Com<sup>'</sup>ee: of the Council about the necessary amendm<sup>ts</sup>: to the Precinct Court Act recomended in the Presidents message do report as follows.

That they are of Opinion that the two Precinct Crts of Wassamsaw & Wandoe be annexed to the general Court of Charles town & that Colleton County have a Court at Willtown, Granvil County hold a Court at Beaufort & Craven County hold a Court at Winyah at Sampet.

Cap<sup>t</sup>: Bond from the Committee appointed to revise the bil establishing Patroles in several parts of the Province made the follow<sup>g</sup>: Report.

The Com<sup>'</sup>ittee to whom the bil for settling patroles Comitted Report.

1<sup>st</sup>.... That the number of each patrole throughout the Province exceed not 20 men with their Officers.

2<sup>dly</sup>.... In those parishes or' Companys where the patroles consists of 20 men they be comanded by a Cap<sup>t</sup>: Lieut<sup>t</sup>: & that the Cap<sup>t</sup>: be impower'd to grant a Warrant to any under him in com'and to Com'and such parties as he shall from time to time appoint.

3<sup>dly</sup>: That each patrol be obliged to ride at least every fortnight or oftener if there is occasion & to be under the directions of any field Officer (in that Regim<sup>t</sup>: to w<sup>ch</sup>: the patrol belongs in doing the duty required by the patrol Act:  
The house adjourn'd til munday afternoon two of the Clock.

Munday the 22 day of November 1725.

The house met according to adjournment & adjourn'd til to morrow morning nine of the Clock.

Tuesday morning the 23<sup>d</sup> day of November.

The house met according to adjournment.

The Report of the Com<sup>'</sup>ittee on the patrol Act was read & taken under Consideration & the same was agreed to.

The Report of the Com<sup>'</sup>ittee on M<sup>r</sup>: Huddy's petition was read and agreed that he be allowed £63: upon his taking Oath that he pay'd the same for the purposes in his petition set forth.

The said Report was sent up by M<sup>r</sup>: Barton & M<sup>r</sup>: Raven.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

This house being of Opinion that the great foggs that have Continued so long may have prevented some ships & Vessells coming over the Barr & that they may not know on what part of the Coast they are, do humbly propose to your Hon<sup>r</sup>: that directions be given for firing one of the largest Gu<sup>'</sup>ns in Johnsons Fort once every morning early as long as the fog continues & We beleive this will be very satisfactory to any persons that may happen to be within hearing of the same.

Tho<sup>s</sup>: Broughton Speaker.

The house adjourn'd til two of the Clock in the afternoon

The house met according to adjournment.

The house took under Consideration the Report of the Com<sup>'</sup>ittee on the Precinct Court Laws & having made some amendments to the said Report, the following message together with the said Report was sent up by Cap<sup>t</sup>: Dry and Cap<sup>t</sup>: Broughton.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

This house has read and taken under consideration the Report of the Com<sup>'</sup>ittee of our house upon the necessary regulations to be made to the Precinct Crt Acts have made several amendments

to the same & herewith We send it to you & hope you will Concurr with us in the said amendments

Thos: Broughton Speaker

Mr: Sec<sup>ry</sup>: Hart brought from the Council the following petitions  
The petition of William Cattle which was now read & referred.  
The petition of the Rector of Santee w<sup>ch</sup>: was also read & referred.  
The petition of the Rector & Churchwardens of St: Andrews Parish was also read and rejected.

The petition of the Inhabitants of Edisto Island w<sup>ch</sup>: was also read and referred.

The petition of Charles Hill was read also and referred.

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the following Message.

Mr: Speaker & Gent<sup>n</sup>:

I concur with you in opinion that the foggs may have prevented Ships bound hither from coming on the Coast & therefore shall give directions that three great gu<sup>n</sup>s shall be fired every morning early at a minutes distance from each other, I doubt not but this will be very sattisfatory to such persons as may happen to be at sea within hearing & the powder being raised by a Publick Act it cannot better be expended then as you desire.

23<sup>d</sup> November

Ar., Middleton

1725

Mr: Eleazer Allen from the Com<sup>it</sup>tee appointed to Audit the Treasurers Acct<sup>s</sup>: made the following Report.

[Two pages were left blank for the report but it was not entered.]

The house adjourn'd til to morrow morning nine of the Clock

Wednesday the 24<sup>th</sup> day of November 1725.

The house mett according to adjournment.

The house taking under consideration the Report of the Com<sup>it</sup>tee appointed to Audit the Treasurers accounts.

Resolv'd that such goods as are lyable to pay duties by any Law now in force in this Province shall not be chargeable with any such duties if imported from the West side of Cape Fear River & that all such goods imported from the East side of the said River shall pay the duties it being the opinion of this house that the Govern<sup>mt</sup>: of North & South Carolina are so bounded.

The house having gone through the said Report agreed to every part thereof & Order'd the following message to be sent to his Majesties Council:

May it please Your Hon<sup>rs</sup>:

This house has read & taken under considera'on the Report of our Com'ittee appointed to audit the Treasurers acc<sup>ts</sup>: & We propose to your Hon<sup>rs</sup>: that Coll<sup>o</sup>: Parris be directed not to burn the money now in his hands raised by the duties until further Orders, least the duties expected to be pay'd into the Treasury should fall short of paying the several Sallaries directed by Law to be pay'd out of such money. We are come also to a resolution herewith sent to you concerning the duties on goods imported from Cape Fear & the reasons of the said Resolution is therein mentioned wherein you will see our opinion of the boundaries between the Governm<sup>t</sup>: of South & North Carolina & We hope you will agree with us in the s<sup>d</sup>: Resolution We also send to you the aforesaid Report for your Concurrence We having agreed to the same.

Tho<sup>s</sup>: Broughton Speaker.

The above Resolution and message sent up by Mr: Eleazer Allen and Mr: Barton.——

The bil for encourageing White persons to transport themselves from great Britain & Ireland into this Province was read & recom'itted & the Com'ittee appointed were Mr: Rhett Mr: Allen & Mr: Lloyd

Mr: Sec<sup>ry</sup>: Hart brought from the Council the petition of the Vestry & Church Wardens of St: Phillips Charles Town.

The Report of the Com'ittee on Mr: Huddy's petition concurred in Council

The Report of the Committee on the County Courts read & agreed to in Council

The Resolution of this house concerning the duties on goods imported from Cape Fear agreed to in Council.

Mr: Sec<sup>ry</sup>: Harts accounts Recomend.

The petition of Thomas Lynch referr'd.

Mr: Sec<sup>ry</sup>: Hart brought also from the Council the Report of the Com'ittee on the Treasurer's accounts concurr'd to in Council.

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President & his Majest<sup>s</sup>: Hon<sup>ble</sup>: Council the following message.

Mr: Speaker & Gent<sup>n</sup>:

Myself & his Majesties Hon<sup>ble</sup>: Council cannot by any means agree to your proposal of directing Coll<sup>o</sup>: Parris the Treasur<sup>r</sup>: not to burn the money in his hands raised by the dutys, there being an Act of Assembly rattified the 15<sup>th</sup> day of Febr<sup>y</sup>: 1723 which possitively enjoins the burning the money arrising by the duties (those excepted which are appropriated for payment of the Salary of the Clergy and building the brick Church in Charles Town) every six months & that the same shall not be reissued on any pretence whatsoever, the method taken in the said Law for the sinking of the bills was at the time of the Enacting thereof looked upon as a favour & of most ease to the people, for us now to break through that Law by any publick Order will give the Governmt<sup>t</sup>: of Great Britain room to beleive we are trifling with them which may procure an order from home to sink them with less ease, these are our reasons for not complying with your desire & hope they have such weight with you as silently to let drop a resolution We cannot comply with,——  
24<sup>th</sup> Novembr<sup>r</sup>: 1725. Ar., Middleton

The house adjourn'd til two of the Clock in the afternoon.

The house mett according to adjournment.

The petition of the Vestry and Church Wardens of the parish of St<sup>t</sup>: Phillips praying an allowance out of the Publick Treasury towards rebuilding the Parsonage house was read & the Question was put whether the said petition should be com<sup>m</sup>itted.

Carryed in the negative.

And then the question was put whether any money should be given out of the publick Treasury towards rebuilding the parsonage house in Charles Town.

Carryed in the negative.

Order'd that Mr: Whitaker & Mr: Hume be a Com<sup>m</sup>ittee to bring in a bil to Regulate the the several Courts of Law according to the last Report agreed to by both houses.

Mr: Rhett reported the amendm<sup>ts</sup>: the Comittee had made to the bil to encourage persons to transport themselves from great Britain and Ireland which were agreed to & the bil order'd to be amended.

Order'd that publick notice be given to all persons that have any Claims from the Publick of this Province or that design

to petition the general Assembly that they lay their several accounts & petitions before the Assembly on or before next Friday or they will not be received or consider'd this session.

Mr: Sec<sup>y</sup>: Hart brought the following message from his Hon<sup>r</sup>: the Presid<sup>t</sup>:

Mr: Speaker & Gent<sup>n</sup>:

We desire your Com<sup>'</sup>tee on petitions & accounts join'd with the Com<sup>'</sup>tee of this house may be forthwith Order'd to give their attendance to dispatch the accounts & petitions, in order to proceed on the Estimate for the ensuing Year that the same may be finished. We think it very proper to give publick notice that every one bring in their petitions and accounts by Friday next after w<sup>ch</sup>: time We think none ought to be received.

24<sup>th</sup> November 1725

Ar., Middleton.

The house adjourn'd til to morrow morning nine of the Clock.

Thursday the 25<sup>th</sup> day of November 1725.

The house met according to adjournment

On reading the petition of of the Inhabitants of Pon Pon River praying an allowance for building a Chappel of ease at Willtown was read & the Question was put whether any money should be given out of the Publick Treasury for the purpose aforesaid.

Carryed in the affirmative.

Resolv'd that two hundred pounds be given out of the Publick Treasury towards building a Chappel of ease at Will-Town and three hundred pounds towards building another Chappel of ease in the parish of St: Bartholomew & that it be provided for in the Estimate of the Current Year

Order'd that Coll<sup>o</sup>: Fenwick & Coll<sup>o</sup>: Hall do prepare & bring in a bil to establish the two Chappels aforesaid.

The house took under Consideration the Estimate for the Current Year & went almost through the same

The house adjourn'd til two of the Clock in the afternoon.

The house met according to adjournment.

Mr: Sec<sup>y</sup>: Hart brought from his Majesties Council the petition of Jos: Barry.

The house adjourn'd til tomorrow morning 9 of the Clock



Friday morning the 26<sup>th</sup> day of November 1725

The house mett according to adjournment.

The petition of Joseph Barry praying to be pay'd some Arrears due to him as Writing master was read & referr'd to the Com'ittee of petitions

The account of Alex<sup>r</sup>: Parris with the Publick was read & referr'd.

The Deputy Sec<sup>ry</sup>: brought from the Council the petition of the Inhabitants of the Parish of St: Thomas.

The bil to encourage persons to become settlers in the Province of South Carolina was read the second time and past with amendments.

The petition of St: Thomas parish praying to be pay'd the Sume of £392,10.0 towards repairing the Parsonage house was read & taken under Consideration and four hundred pounds allowed. Mr: Sec<sup>ry</sup>: Hart brought from the Council the petition of the Inhabit<sup>s</sup>: of the Proprietors of the Bay Lotts which was read & referr'd to the Com'ittee on petitions and accounts.

The Sec<sup>ry</sup>: also brought the Report of the Com'ittee appointed to View Johnson's Fort.

Maj<sup>r</sup>: Hepworth from the Com'ittee appointed to consider all petitions and accounts made the following Report.

The further Report of the Com'ittee on petitions and accounts, On the petition of the Rector of St: James Santee.

The Com'ittee are of Opinion that Coll<sup>o</sup>: Parris was right in refusing to pay the Su<sup>m</sup>e mention'd in the petition for that for this several Years 1723: 1724: no provision was made by the Assembly for paying any moneys towards repairing the Parsonage houses & Coll<sup>o</sup>: Parris is ready to pay them the one hundred pounds provided in the last years Estimate when the Vestry shall draw upon him for the same according to the directions of the Act.

The petition of Edmond Maxwell.

The Com'ittee on examining the petitioner on Oath are of Opinion he ought to be allowed the Sume of Seventeen pounds twelve Shillings and Six pence petitioned for.

The petition of Charles Hill.

The Com'ittee on perusing the return of a Survey made on those wines pursuant to an Admiralty Warrant do find the allegations of the said petition with respect to the Condition of the wines

to be true and it appearing that the said wines sold for £869.3.9. & no more the Com'ttee are of Opinion the said M<sup>r</sup>: Hill be directed to pay to the Publick Treasurer only for the duty of eleven pipes the Committee reckoning eighty pounds to each Pipe

On the petition of M<sup>r</sup>: William Cattle.

The Com'ttee are of Opinion that the said M<sup>r</sup>: Cattle ought to be pay'd by the Treasurer for his Negro it appearing he was killed in making resistance, according to the power of the Negro Act, they think he ought to be allowed One hundred pounds & that provision be made for the same in this Current years Estimate there not being any money in the Treasurer's hands for that purpose.

On M<sup>r</sup>: Sec<sup>ry</sup>: Harts account

M<sup>r</sup>: Hargrove appearing & making Oath of the number of Sheets and the Articles being such as have been usually allowed before the Com'ttee are of Opinion the same ought to be allowed being the sume of £131:10:0:

On the petition of the Inhabitants of Edisto Island.

None of the petitioners appearing to Support the several allegations in their petition the Com'ttee could not proceed & are therefore of Opinion that the petitions do lye on the table.

On the petition of Coll<sup>o</sup>: Hastings.

Your Com'ttee having examin'd into the allegations of the s<sup>d</sup>: petition and sent for Coll<sup>o</sup>., Parris, do Report that the said Coll<sup>o</sup>: Parris Publick Receiver hath pay'd him Six hundred pounds & that according to the first proposals & allowance to him We find due to the s<sup>d</sup>: Hastings until the fourteenth of August last at which time he arrived in the Settlements, the Sum' of three hundred and fifty pounds which We think ought to be allowed him by the Publick.

The bil to encourage persons to become settlers in this Province was sent up to the Council by M<sup>r</sup>: Rhett & M<sup>r</sup>: Heyward.

John Lloy'd Esq<sup>r</sup>: desired leave to lay before the house some proposalls for Regulating the Watch in Charles Town w<sup>ch</sup>: he proposed to do in the afternoon & the house Resolved to Receive the Same.

The house adjourn'd til two of the Clock in the afternoon

The house met according to adjournment.

Resolv'd that Coll<sup>o</sup>: Parris do dispose of the frame he bought for the use of Indians to the best bidder & that he give the Publick Credit for the same in his accounts.

The Report of the Com'ttee on petitions & accounts was read & Consider'd & the opinion of the house against each article wrot in the margin & sent up by M<sup>r</sup>: Whitaker & M<sup>r</sup>: Barton. The house went through & filled up the several articles in the Estimate.

The Sec<sup>ry</sup>: brought down the Representation & petition of the Rev<sup>d</sup>: M<sup>r</sup>: Allex<sup>r</sup>: Garden & the memorial of the School Com'iss<sup>rs</sup>: both Recomend<sup>d</sup>.

And the Representation & petition of M<sup>r</sup>: Garden was read and rejected

The memorial of the School Com'iss<sup>rs</sup>: was read and referred.

The bil for founding & Erecting at Chappel of ease at Childberry to the Parish Church of S<sup>t</sup>: Johns was read the first time & past with amendments & sent up by M<sup>r</sup>: Rhett and Cap<sup>t</sup>: Broughton.

The petition of John Lynch & others was read & Com'itted. M<sup>r</sup>: Whitaker from the Com'ttee appointed to draw the bil for Regulating the Courts of Justice & for Revising the Several Laws relating thereunto made the following Report.

The Com'ttee appointed to Consider of the State of the Courts of Justice are of Opinion.

That the County & Precinct Courts according to the present practice & Establishment are attended with many Inconveniences.

That three Courts are Sufficent for the administration of the Publick Justice Viz<sup>t</sup>: One general Court at Charles Town one Precinct Court at Port Royal one at Sampeet in Winyaw.

That it shall be at the Election of the Plaintiff to take out his Writt in the Precinct where he lives or from the general Court in Charles Town.—

The house adjourn'd til to morrow morning nine of the Clock

Saturday morning the 28<sup>th</sup> day of November 1725.

The house mett according to adjournment

The Estimate of the Current Year was sent up by M<sup>r</sup>: Rhett & M<sup>r</sup>: Parker.

Mr: Sec<sup>ry</sup>: Hart brought from the Council the two following messages & the petition' of Henry Hargrave Clerk of the Council.

Mr: Speaker & Gent<sup>n</sup>:

I Observe a charge in your Estimate of £40 to be given John Chester for going up to the Cheerokees; As there was a necessity at that time for his Speedy setting & he readily undertaking & performing the said Journey I did promise he should have fifty pounds & therefore hope you will Concurr with me therein.

Upper house 27<sup>th</sup> Nov<sup>r</sup>: 1725.

Ar., Middleton

Mr: Speaker & Gent<sup>n</sup>

Understanding that you are upon the Estimate I desire you will consider what's proper to allow to our Clerk for his service these six months past according to what has been usual that it may be inserted therein.

Upper house 27<sup>th</sup> Nov<sup>r</sup>: 1725.

Ar., Middleton

Mr: Sec<sup>ry</sup>: Hart brought from his Majesties Council the Report of the Com<sup>'</sup>tee of Petitions & accounts agreed to in Council & the petition of Coll<sup>o</sup>: Allex<sup>r</sup>: Parris.

The Com<sup>'</sup>tee of petitions having made the following Report it was now read & taken under consideration & the opinion of the house enter'd in the margin against the several Articles of the said Report.

A further Report of the Com<sup>'</sup>tee on Petitions.

An acct: of William Winderass amounting to £30 for Surveying the harbour of Charles Town & the Barr & also for drawing drafts of Port Royal &<sup>ca</sup>: to w<sup>ch</sup>: account he made oath & the Com<sup>'</sup>tee: are of Opinion he should be pay'd & provided for in the years Estimate.

Also an Account of Coll<sup>o</sup>: Herberts amounting to £12 for drawing sundry drafts which We are of Opinion is Reasonable and should be also pay'd.

An account of Mr: Pinckneys for Wharfage of goods sent to the Garrisons which We think does not lye before this house but that the Agents or Comissary for those Garrisons who sent the goods are the proper. . . . persons to pay the same.

An acct. of Daniel Lawler for Wages due to him from Fort King George amounting to £17:17:6 which the Com<sup>'</sup>tee are of Opinion the Publick is no ways chargeable with & as no person appeared to explain the said account to the Com<sup>'</sup>tee We think there is no reason to allow it.

The memorial of the Hon<sup>ble</sup>: Com<sup>iss</sup><sup>rs</sup>: appointed for founding and Erecting of a Free School at Charles Town.

The Com<sup>it</sup>tee are of Opinion that a Kitchen for the free School is absolutely necessary & that whatever Sum<sup>y</sup> the house thinks proper to give on that Occasion there may be a resolution entred that the said Sum<sup>y</sup> is the last that this Assembly will give to the said Free School or to any buildings pertaining thereto.

As to an allowance for a Clerk to the said Com<sup>iss</sup><sup>rs</sup>: the Com<sup>it</sup>tee are of Opinion the Usher of the free school ought to Officiate his Sallary from the Publick being sufficient for both those services.

An account of Coll<sup>o</sup>: Parris Publick Treasu<sup>r</sup>: amounting to £457.15.0. for presents to Indians & expresses to all which he produced vouchers excepting three articles viz<sup>t</sup>: payd

John Mcintosh an Express.....	5.0.0
Jacob Wright D <sup>o</sup> :.....	7.17.6
Lockland Mc.Gillivray D <sup>o</sup> ., .....	4.10.0
	<hr/>
	£17.07.6
	<hr/>

for which articles he produced the receipts of the several persons & made Oath to the same w<sup>ch</sup>: account of £457.15.0 the Com<sup>it</sup>tee are of Opinion ought to be pay<sup>d</sup> Coll<sup>o</sup>: Parris & provided in the next Estimates.

The petition of Thomas Lynch & others setting forth that several of their Slaves that ran away were at S<sup>t</sup>: Augustine & pray that some measures may be taken to reclaim the said Slaves in a Publick manner.

The Com<sup>it</sup>tee are of Opinion that this affair very much requires the Consideration of this house and Recomend it accordingly.

The petition of Joseph Barry Gent<sup>n</sup>: late writing master to the free school praying payment of arrears for Sallary due to him. The Com<sup>it</sup>tee find by the free school Act that the Com<sup>iss</sup><sup>rs</sup>: appointed by that Law have power to draw on the Publick Treasu<sup>r</sup>: for the Sallarys of the School masters & that if Mr: Barry has any thing due he ought to apply to the said Com<sup>iss</sup><sup>rs</sup>: accordingly.

In the upper house

30<sup>th</sup> Nov<sup>r</sup>: 1725.

Read & the opinion of  
the house enter'd in  
the margin against the  
several articles

{ In the Com'ons house of Assembly  
Nov<sup>r</sup>: 27<sup>th</sup> 1725.

{ read & the opinion of the house enter'd  
in the margin against the several articles.

W<sup>m</sup>: Blakewey C.D.C.

Test.

Henry Hargrave C<sup>l</sup>k Conc.

Resolv'd that a Com'ittee of this house be appointed to inquire into the several regulations of the free school in Charles Town & of the proceedings of the School master & what state the said School is now in & the following Gent<sup>n</sup>: were appointed of the said Com'ittee, M<sup>r</sup>: Lloyd M<sup>r</sup>: Rhett M<sup>r</sup>: Allen, Maj<sup>r</sup>: Hepworth and Cap<sup>t</sup>: Green.

The house adjourn'd til munday afternoon four of the Clock

Munday the 29<sup>th</sup> day of November 1725.

The house mett according to adjournment & adjourn'd til to morrow morning nine of the Clock

Tuesday the 30<sup>th</sup> day of November 1725.

The house mett according to adjournment

The petition of Allex<sup>r</sup>: Parris praying to be pay'd for an iron Chest w<sup>ch</sup>: he lent to the Bank Com'iss<sup>rs</sup>: in the Year 1712 w<sup>ch</sup>: is now entirely useless & Spoilt was read & Com'itted.

The petition of Henry Hargrave was read setting forth that he was appointed Clerk of the Council at his Excell<sup>ys</sup>: departure & that he had acted in that Station for Six months past & the same was order'd to lye upon the table.

The bil for establishing Patroles was read the second time & past with amendments & sent up by M<sup>r</sup>: Allen & Cap<sup>t</sup>: Bond.

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment.

The bil for founding & Erecting a Parochial Chappel of ease at Childberry to the parish Church in St<sup>t</sup>: John's parish was read the second time & past with amendments.

M<sup>r</sup>: Hargrave brought from his Majesties Council the order to M<sup>r</sup>: Lloyd for fifty pounds past in Council, The Estimate of the Year read in Council & agreed to.

Mr: Sec<sup>y</sup>: Hart brought from the Council the bil to settle Patroles in Convenient parts of the Province.

The bil to encourage persons to become settlers in this Province was read the third time & past with amendments & sent up by Mr., Hume & Cap<sup>t</sup>: Dry.

John Lloyd Esq<sup>r</sup>: lay'd before the house the following proposals for Regulating the Watch in Charles town & the same being read & taken under Consideration. The question was put whether the house would agree with the said proposals.

Carryed in the affirmative.

Order'd that a bil be brought in agreeable to the said proposals & that Mr: Rhett Mr: Allen & M<sup>r</sup>: Hume be a Comittee to bring in the said bil.

Proposals for Regulating the Watch of Charles Town humbly offered to the Consideration of the General Assembly.

That a proper active person be Com<sup>'</sup>ission'd by his Hon<sup>r</sup>: the President to com<sup>'</sup>and & have the Sole direction of the Watch. That the person Comissioned appoint two others capeable to take charge of a Watch and such to be approved of by the President.

That the s<sup>d</sup>: Com<sup>'</sup>ission'd Officer have power to inlist 21 able men which are proposed to be divided into three Watches and to be comanded separately by the aforesaid Com<sup>'</sup>ission'd Officer & the two others appointed by him.

That the said Comanding Officer shall not only watch in his turn but be obliged to Visit the other watches as occasion shall require & that he provide a Drum<sup>'</sup>er wood and candles for the use of the several watches.

That the Publick Treasur<sup>r</sup>: be directed to pay quarterly to the said Com<sup>'</sup>ission'd Officer the sum of

being what is allowed to the present Watch out of which the said Officer is to pay himselfe, to the two others under him as well as the private men.

That the said Com<sup>'</sup>anding Officer give good Security for the due execution of his trust & to be always under the direction of the Govern<sup>r</sup>: or Com<sup>'</sup>ander in cheif for the time being.

That it's humbly presum'd that if the watch could be established on this foundation the safety and security of this Town would be effectually preserved when on the Contrary upon the present foundation numerous complaints have been made and not with-

out good Reason since it cannot be expected that the persons of whom the present Watch consists who being chiefly servants and apprentices cannot serve the Publick by night and their masters by day.

The bil for Removing the Ferry now at James Wrixams Plantation & Establishing the same at the Plantation of John Jackson was read the first time and past with Amendments.

The house adjourn'd til to morrow morning nine of the Clock

Wednesday morning December the 1<sup>st</sup> 1725.

The house mett according to adjournment.

The Com'ttee on petitions & accounts went out on Coll<sup>o</sup>: Parris petition & having consider'd the same they return'd to the house & inform'd the house that Mr: Massey in who custody the remains of the Iron Chest was, was out of town & for want of a through information from Mr: Massey they could not make any Report on the said petition.

Mr: Sec<sup>ry</sup>: Hart brought from the Council the following message together with the bil for founding & erecting a Parochial Chappel of ease at Childberry read & past with amendments the second time.

Resolv'd that at the expiration of the Act that appoints Francis Yonge Esq<sup>r</sup>: Agent to this Province in Great Britain there shall not be any other Agent appointed & that the Com'ttee of Correspondence do acquaint Mr: Yonge therewith & that his Agency determines at the expiration of the said Law.

Mr: Speaker & Gent<sup>n</sup>:

I desire you will appoint a Com'ttee of your house to meet a Com'ttee of ours to conferr on the bil for encouraging persons to Transport themselves & become settlers in this Province who are now ready to meet you accordingly.

1 Decembr: 1725.

Ar,, Middleton.

Ralph Izard	} Esq <sup>rs</sup> : of this Com'ttee.
Alex <sup>r</sup> : Skene	

The bil for founding and establishing two Parochial Chappels of ease the one in St: Pauls & the other in St: Bartholomews was read the first time & past with amendments.

The above bil & the bil for Removing the Ferry from Wrixams Plantation to Jacksons were both sent up to the Council by Maj<sup>r</sup>: Hepworth and Cap<sup>t</sup>: Broughton.



The bil for founding a Parochial Chappel of ease at Childberry &<sup>ca</sup>: was read the third time and past with amendments.

Mr: Allen Reported the Conference between the Com'ittees of both houses on the bil to encourage persons to become settlers &<sup>ca</sup>: & then the following message was order'd to be drawn.

Hon<sup>ble</sup>: Gent<sup>n</sup>:

The Com'ittee of our house who were appointed to conferr with a Com'ittee of yours on the bil for encourageing persons to become settlers in this Province having made their Report, We have agreed to all parts of the same except to the additional five pounds proposed as the encouragement, We being of opinion that ten before agreed on by this house, is full sufficient for provisions & all other incident charges, and We desire you'll please to add to that clause in the bil that the ten pounds is given in full for their present Subsistence & their Carriage by Land or water to the places where they are to settle upon.

Tho<sup>s</sup>: Broughton Speaker.

The above message sent up by Mr: George Smith & Mr: Tho<sup>s</sup>: Heyward.

Mr: Sec<sup>ry</sup>: Hart brought from the Council the bil for founding and establishing two Parochial Chappels of ease one at Will Town and one in St: Bartholomews & the bil for removing the ferry now at Wrixams to Jacksons, both read in Council the first time & past with amendments.

The Sec<sup>ry</sup>: also brought the bil to encourage persons to become settlers in the Province of S<sup>o</sup>: Carolina read in Council the third time & past with amendments.

The bil for settling Patroles was read the third time & past w<sup>th</sup>: amendm<sup>ts</sup>:

The house adjourn'd til two of the Clock in the afternoon.

The house mett according to adjournment.

The bil for raising the sum' of £20077:18:10½ for defraying the Contingent charges of the Governm<sup>t</sup>: for one year com'encing 29<sup>th</sup> September 1725 & ending 29<sup>th</sup> September 1726 was read a second time & past with amendments.

The house adjourn'd til tomorrow morning nine of the Clock

Thursday the 2<sup>d</sup> day of December 1725.

The house mett according to adjournment.

The bil for founding and erecting a Parochial Chappel of ease at Childberry read the third time & past with amendments.

The bil to settle Patroles read the third time and past w<sup>th</sup>: amendments

The Tax Act read a second time and past with amendments were sent up by Maj., Hepworth & Maj<sup>r</sup>., Hext.

The Act for building a Chappel of ease at Will town & another Chappel of ease at St: Bartholomews was read the second time and past with amendments.

Resolv'd that the Vestry & Church Wardens of the several parishes in this Province shall have the Sole and only power to apply and dispose of all moneys heretofore given or which shall hereafter be given towards building and repairing Churches in this Province & to draw for the same out of the Publick Treasury and be accountable to the general Assembly for the same except any particular persons shall be appointed for that purpose by Act of Assembly.

May it please y<sup>r</sup> Hon<sup>rs</sup>:

We are extremely obliged to Cap<sup>t</sup> Anson for so kindly Offering his Service to this Province in his Letter to your Hon<sup>r</sup>: & WE are no less obliged to you S<sup>r</sup>: for comunicateing the same to us & the house having read the same are of Opinion that no time ought to be lost in duely considering in what manner to make Cap<sup>t</sup>: Ansons intended Service to us as usefull as possible, We have therefore appointed a Com<sup>'</sup>ittee of our house to meet a Com<sup>'</sup>ittee of his Majesties Hon<sup>ble</sup>: Council to take that matter under imediate consideration

Tho<sup>s</sup>: Broughton Speaker

The above message and the Act for building the two Cappels of ease were sent up by M<sup>r</sup>: Whitaker & M<sup>r</sup>: Cattle

The Com<sup>'</sup>ittee appointed to treat with Nicholas Trott Esq<sup>r</sup>: concerning his adding the Laws past since his former Collection, to the s<sup>d</sup>: Collection made the following Report.

Proposals for perfecting the last Collection of the Laws of this Province of South Carolina fit for the Press by adding to that Collection the Laws passed since the arrival of his Excell<sup>y</sup>: Francis Nicholson Esq<sup>r</sup>: his Majesties Govern<sup>r</sup>: of this Province as also those passed by the Hon<sup>ble</sup>: Arthur Middleton President & the present Generall Assembly.

The Hon<sup>ble</sup>: the Com<sup>ons</sup> House of Assembly having appointed a Com<sup>ittee</sup> of their house to treat with Nicholas Trott Esq<sup>r</sup>: to perfect his Collection of the Laws of the Province Yesterday the said Nicholas Trott mett the s<sup>d</sup>: Com<sup>ittee</sup> and discoursing them upon perfecting the s<sup>d</sup>: Collection of the Laws they then desired the said Nicholas Trott to make his proposalls in writing to be lay'd before the said Com<sup>ons</sup> house of Assembly w<sup>ch</sup>: the said Nicholas Trott now maketh as followeth.

In order to perfect the Collection

- 1<sup>st</sup>.. That so much shall be pay'd by the Publick for one or more Clerks to make four Transcripts as the s<sup>d</sup>: Nicholas Trott shall think reasonable.
- 2<sup>dly</sup>.. That the first Transcript being for the s<sup>d</sup>: Nicholas Trott to marginal note it, & make his references will be only, a foul copy & of no use to any one.  
That as to three fair copys. One to be delivered to For the use of the Generall Assembly  
One to be for the use of the said Nicholas Trott &, to belong to him as his own proper goods.  
And one to be sent to England by the s<sup>d</sup>: Nicholas Trott to such person as he shall think proper in order to be printed.
- 3<sup>dly</sup>.. That the said Nicholas Trott be allowed for his trouble in making the Collection of the new Laws and in directing examining & perfecting the same the Sum' of two hundred pounds Sterling or the Value thereof in Current money of South Carolina w<sup>ch</sup>: is fourteen hundred pounds Current money.
- 4<sup>thly</sup>.. That the s<sup>d</sup>: fourteen hundred pounds Current money be pay'd to the said Nicholas Trott only as an incouragement to him to undertake the work & that notwithstanding the property of the Copy shall be in the said Nicholas Trott & he to have power to appoint what bookseller or booksellers he shall think fitting in London to print the same & what Number of them he shall think fitting.
- 5<sup>thly</sup>.. That the Publick be Obliged to buy four hundred of the s<sup>d</sup>: Books when printed at the rate of three halfe pence ¾ Sheet to be deliver'd in quires & to pay for the binding them at the usual markett price w<sup>ch</sup>: may be about three

shillings & Six pence or four Shillings  $\text{£}$  book & so farr as the said Nicholas Trott at present can make a Computation that he doth beleive may come to thirty shillings sterling  $\text{£}$  book

6<sup>thly</sup>.. That in order to defray the charges of the said books that Six hundred pounds Sterling be remitted to England into the hands of

In order to pay for the said four hundred books.

7<sup>thly</sup>.. That in order to prevent the s<sup>d</sup>: Nicholas Trott being again disappointed (as he hath so often been) of having the Laws printed that in case the general Assembly shall not remitt the s<sup>d</sup>: Six hundred pounds Sterl to pay for the said four hundred books that then the said Nicholas Trott shall be allowed double for his trouble in makeing the said Collection.

In order to raise money by Suscription for the Books that the Publick may be Reimbursed a Considerable part if not the whole that shall be expended for printing the same the said Nicholas Trott will be ready to make a Computation & draw forms for Subscriptions & Consult with the Com'ittee of both houses & advise and assist them in procuring Subscriptions during the time he is upon finishing the work that so the money may be ready to be remitted to England to pay for printing the same And the said Nicholas Trott doth beleive that if the same is rightly managed that so many Subscriptions may be procured that may answer a great part if not the whole of the charges for printing the said Collection of the Laws.

November 25<sup>th</sup>: 1725

Nicholas Trott

The bill for Removing the Ferry now at James Wrixams Plantation & establishing the same at the plantation of John Jackson was read the second time & past with amendments.

Benja<sup>a</sup>.. Whitaker Esq<sup>r</sup>: from the Com'ittee appointed to View Johnsons Fort, the Fortifications in Charles Town & to audit the Powder Receiver's accounts made the following Report.

The Com'ittee Report they have viewed Granvil's Bastion & find

5 brass Cohorn morters	} In good order.
7 Iron Cohorn morters	
3 Iron morters the Stocks rotten.	

1 Small brass mortar wants Stock & forelock.

52 Chests of Granadoshells

12 great Guns & Carriages except 2 or 3 carriages w<sup>ch</sup>: want a little repair<sup>s</sup>:

5 Ladles a Searcher & 4 worms.

43 Scythes & Launces.

A parcell of old Iron belonging to the mortar.

An Engine wants a block Fall & Slings.

That the great Gun's want Shott.

On the Bay.

5 Small Gun's & Carriages bad

2 Gun's without Carriages.

4 large Gun's near Lloyd's bridge in good order

4 between Lloyds & Pinckney's Bridge

5 Gun's on Ship Carriages in good Order.

At the Angle against Mr: Allens.

7 Gun's & Carriages out of repair at Coll<sup>o</sup>: Parris's door

At the halfe moon are nine gun's & Carriages in good order

25 empty bomb Shells, 1 Brass mortar.

between Mr: Rhetts & the Spur near Mr: Eleazer Allens

1 Gun' on the ground.

4 on carriages out of Repair.

In the Spur 5 guns on Rotten Ship Carriages.

In Craven's Bastion.

11 guns on Ship Carriages all rotten & of no Service, the Platform in the said Bastion all rotten.

2 Lignum Vita Iron bound morters.

2 Copper Ladles.

1 Iron Rammer.

1 Worm.

The Sponges & Wooden Ram'ers all Rotten.

near the s<sup>d</sup>: Bastion are 3 small peices of Cannon but the carriages Rotten.

In the Armoury.

872 Small Arms in good Order.

11 D<sup>o</sup>: out of repair.

238 Pistols fitt for service.

39 out of order.

130 Bayonets all out of order & some wanting Scabbards.

6 bundles & some loose match about 200<sup>lb</sup>:

962 Cartouch Boxes empty, some Rott eaten & dirty without covers

2 Musquetoons out of Repair, they came from Port Royal,  
Sundry small Arms & Pistols.

4 blunderbuss }  
2 harquebuss } In good order.

10 Lanthorns.

4 quire of Cartouch paper.

1 half barrell of Flints.

2 bullet moulds.

1 large Iron claw ham'er.

some rope and blocks for the gun' Carriages.

The Mississippi Company Colours.

In the Comon's house of Assembly Decemb<sup>r</sup>: 2<sup>d</sup>: 1725.

read & agreed to.

William Blakewey C.D.C.

The Com'ittee appointed by this Hon<sup>ble</sup>: house to audit the powder receivers; to View the Armory & Fortifications & enquire into the expences of powder & Salutes do Report.

That they have examin'd the powder receiver's accounts & find them truly & justly Stated to the 8<sup>th</sup> of November & there remains in the magazine; Six thousand five hundred and ninety eight pounds and three quarters all of it good powder.——

That the floor of the magazine is much Sunk & the powder in great danger of being damaged by great Raines, therefore We are of opinion that Coll<sup>o</sup>., Brewton have im'ediate orders to repair the same.

Decemb<sup>r</sup>: 2<sup>d</sup>: 1725 Read & agreed to.

In the upper house 2<sup>d</sup> Decemb<sup>r</sup>: 1725 William Blakewey C.D.C.  
Read & agreed to.

Henry Hargrave Clk: Con:

Report of the Com'ittee appointed to view Johnson Fort.

That the plank on the Embrazier on the battery is intirely gone & great part of the mudd wall washed away & that the Com'ittee are of opinion great part of the remainder will likewise be carry'd off. The Com'ittee are of Opinion that between the Pallasadoes of the outward breast work be filled up with oyster Shells from the point adjoining to the Fort.——

That the breach in the North east point still is unrepaired & grows worse by every Storm so that there is an absolute necessity for repairing thereof & Ballast or Shells thrown before it to protect it from the incroachment: of the Water.

That the South West Bastion is in great danger; if not timely secur'd with large ballast, & other out works.

That there is an absolute necessity of an imediate repair, of the dwelling house there being nothing done since the last View.

That outward draw bridge is intirely rotten.

That the gun's ought to be lifted to See what Condition the carriages & Axel trees are in; & that the magazine is not a fit place to keep any quantity of powder in.

The Com'ttee are of Opinion that Cap<sup>t</sup>: Southerland be allowed five shillings Proclamation money from every Vessel passing the Fort.

That Ladles Ram'ers & Spunges are wanting.

The Com'ttee find the small Arms & Cartouch boxes in good order.

Allex<sup>r</sup>: Skene.

In the upper house 26<sup>th</sup> Nov<sup>r</sup>: 1725. Read & agreed to

Ar. Middleton

An additional bil to An Act intituled an Act for settling a Watch in Charles Town was lay'd before the house & read the first time & past with amendments.

The aforesaid bil & the bil for removing the Ferry now at James Wrixams Plantation to John Jacksons were sent up to the Council by M<sup>r</sup>: Rhett & M<sup>r</sup>: Hume

Resolv'd that the Sum' of five hundred pounds be pay'd out of the Article provided in the Estimate for contingencies to the Com'iss<sup>rs</sup>: appointed to Supervise the necessary work to be done at Johnson's Fort, that they secure the said Fort & the house in the manner they think best with good husbandry & that if the said Sum' falls short this house will provide more money for making good the deficiency & that this Resolution be sent to his Hon<sup>r</sup>: the Presid<sup>t</sup>: & his Majesties Hon<sup>ble</sup>: Council for their Concurrence & that M<sup>r</sup>: Speaker do sign the same.

May it please y<sup>r</sup> Hon<sup>r</sup>:

Herewith We send you the Reports of the Comittee appointed to View the Armory, the Fortifications of Charles Town & Johnson's Fort & to Audit the Powder Receivers accounts & the Com'ttee informing this house that there is in the Armoury several Bayonets Rusty & several Cartouch boxes worm eaten for want of care & several Gun's and Carriages in a very bad

Condition through the neglect of Mr: Lloyd, We desire your Hon<sup>r</sup>: will be pleas'd to send for him & Reprimand him for his neglect of duty——

You will also receive herewith a Resolution concerning the repairing of Johnson's Fort & the power given to the Com<sup>'</sup>iss<sup>rs</sup>: for that purpose and We desire your concurrence with us in the same.

Tho<sup>s</sup>: Broughton Speaker

The above message & Resolution sent up by Mr: Rhett & Mr: Heyward

Mr: Attorney General praying leave to withdraw the Report of the Com<sup>'</sup>ittee appointed to draw a bil to Regulate the County & Precinct Courts & some debates arrising thereon

The question was put whether the said Com<sup>'</sup>ittee should have leave to withdraw the said Report.

Carried in the Negative

Mr: Sec<sup>ry</sup>: Hart brought from the Council the bil for raising the Sum' of £20077:18:10:½ for defraying the Contingent charges of the Government read in Council the second time & past with amendments.

The house adjourn'd til to morrow morning nine of the Clock

Friday morning the 3<sup>d</sup> December 1725.

The house mett according to adjournment.

Mr: Sec<sup>ry</sup>: Hart brought from the Council, a Letter from Coll<sup>o</sup>: Woodward

The house read the bil for raising the Sum' of £20077:18:10.1½ for defraying the contingent charges of the Govern<sup>t</sup>: &<sup>ca</sup>: the third time & past it with Amendments & sent it up by Maj<sup>r</sup>: Hepworth

Mr: Sec<sup>ry</sup>: Hart brought from the Council the following message

Mr: Speak<sup>r</sup>: & Gent<sup>rs</sup>:

I desire you'l join with me & his Majest<sup>s</sup>: Hon<sup>ble</sup>: Council in making a Representation to his Majesty concerning the hardships the Inhabitants of this Province lye under in having their Slaves detain'd by the Govern<sup>t</sup>: of Augustine for as they have given it to me under their hands that they have such orders from the Crown of Spain I think that affair ought to be set in a clear light before his Majesty for redress.



I desire you'll take under Consideration that in case Mr: Fitch should arrive with any of the Choctaw Kings after your breaking up whether you will leave it to me & his Majesties Hon<sup>ble</sup>: Council to Transact affairs with them for the interest of this Province & to give them such presents as We shall think fit.  
3<sup>d</sup> december 1725.

Ar, Middleton

The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

In answer to the first part of your Hon<sup>rs</sup>: message relating to the Representation w<sup>ch</sup> your Hon<sup>r</sup>: proposes should be drawn to his Majesty by the General Assembly relating to the Spaniards detaining our Negroes at St: Augustine We join with you in opinion & have therefore appointed Coll<sup>o</sup>: Fenwick Mr: Lloyd & Mr: Whitaker to be a Com<sup>it</sup>tee to meet a Com<sup>it</sup>tee of his Majesties Hon<sup>ble</sup>: Council to draw such a Representation——  
To the last part of your Hon<sup>rs</sup>: message We intirely agree & desire you will take the trouble upon you to transact the affairs with the Chactaw Indians when they come down & desire that y<sup>r</sup>: Hon<sup>r</sup>: with the advice of his Majesties Council will make such presents to the said Indians as you shall think propper.

Tho<sup>s</sup>: Broughton Speaker.

The house began to read the additional Bil to an Act intituled an Act for the keeping & maintaining a Watch & good orders in Charles Town, the question was put whether the first clause in the s<sup>d</sup>: bill should stand in the bill.

Carryed in the Negative

Resolv'd that Mr: Rhett Coll<sup>o</sup>: Fenwick & Cap<sup>t</sup>: Green be a Com<sup>it</sup>tee to amend the bil now lying before the house regulating the Watch in Charles Town.

The above message was sent up by Mr: Allen & Cap<sup>t</sup>: Broughton  
Resolv'd that Mr: Allen Cap<sup>t</sup>: Greene Mr: Rhett M<sup>r</sup>: Hume and Mr: Barton shall be a Com<sup>it</sup>tee during the Recess of the house to inquire into & Audit the accounts of the Com<sup>iss</sup><sup>rs</sup>: appointed to Stamp & issue the paper bills of Credit in this Province & to State the ballance in their hands & report the same to this house at their next meeting.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

This house being inform'd that the Son of Cap<sup>t</sup>: Lovry an old Inhabitant of this Province hath lately sent from the Island of Nevis to his mother a Negro Slave as a present & that Coll<sup>o</sup>: Parris demands the duty of the said Negro We are of Opinion that the dutys ought to be remitted considering the s<sup>d</sup>. Negro is not sent to be disposed of & that the s<sup>d</sup>: M<sup>r</sup>: Loury very well deserves the Consideration of the general Assembly & We hope your Hon<sup>rs</sup>: will concur with us in giving directions to Coll<sup>o</sup>: Parris for this purpose.

Tho<sup>s</sup>: Broughton Speaker

The above message together with the bil for removing the Ferry from Wrixams to Jacksons was sent up by M<sup>r</sup>: Lloyd & M<sup>r</sup>: Parker.

The house adjourn'd til to morrow morning nine of the Clock

Saturday morning the 4<sup>th</sup> december 1725.

The house mett according to adjournment.

Information being given to this house that the men have been taken out of the Scout Boats to Row the Pettiaugo to Fort King George & the said boats have been employ'd to Convey the s<sup>d</sup>: Pettiaugo with provisions to the said Fort & being inform'd that one of the Captains of the said Boats is in Town.

Order'd that M<sup>r</sup>: Rhett Coll<sup>o</sup>: Hall & Coll<sup>o</sup>: Palmer be a Com<sup>'it</sup>-tee to examine the said Captain.

M<sup>r</sup>: Sec<sup>y</sup>: Hart brought from the Council the Tax bil past a third time in Council & alter'd & amended after it was past a third time in this house.

Resolv'd that Coll<sup>o</sup>: John Fenwick M<sup>r</sup>: Whitaker M<sup>r</sup>: Allen M<sup>r</sup>: Smith & M<sup>r</sup>: Eveleigh do im<sup>'</sup>ediately take under their Consideration the Tax bil sent down from the Council amended in Council after a third reading in this house & Report to this house their Opinion of the method of proceeding in such cases.

The Com<sup>'it</sup>tee having taken the same under Consideration made the following Report.

The Com<sup>'it</sup>tee appointed by this Hon<sup>ble</sup>: house to search presidents concerning the Priviledges of this house Report.

That they have searched divers presidents & find that according to the usage of Parliaments after a bil has had a third reading it cannot receive any alteration. That his Majesties Hon<sup>ble</sup>: Council having made several alterations in the Tax bil without acquainting this house that they intended such alteration is contrary to the Custom of Parliaments; Your Com<sup>it</sup>tee are therefore of Opinion that as the matter now stands this house cannot regularly order the said bill to be ingrosed or proceed any further thereon.

The above Report was read & taken under Consideration & the two first clauses were agreed to & the following message was Order'd to be drawn on the last parragraph.——

Hon<sup>ble</sup>: Gent<sup>n</sup>:

Upon looking Over the Tax bill sent down to this house by Mr: Sec<sup>ry</sup>: Hart We are surprized to find the same alter'd & amended by you after it had past a third time in this house

This proceeding We look upon to be unparliamentary & not agreeable to the good understanding there has allways been between the two houses.

We now return you the said bil again & unless you send it back to us exactly as we sent it to you after it had past a third time in this house it will not be Consistant with the honour & Priviledges of this house to proceed any further thereon.

Tho<sup>s</sup>: Broughton Speaker

The above message sent up by Mr: Whitaker & Cap<sup>t</sup>: Green who were directed to carry with them the Tax bill.

The bill for founding & establishing two Parochial Chappels of ease the one at Will town to the Parish Church at St: Pauls & the other at Cap<sup>t</sup>: Cox's Plantation to the Parish of St: Bartholomews was read the third time & past with amendments.

The bill for establishing a Ferry from hooping Island on Edisto was read the first & past with amendments.

The two foregoing bills were sent up by Cap<sup>t</sup>: Green & Cap<sup>t</sup>: Nicholls

Mr: Rhett from the Com<sup>it</sup>tee appointed to examine the Cap<sup>t</sup>: of the Scout Boats made the following Report.

The Com<sup>it</sup>tee appointed to examine into the managem<sup>t</sup>: of the two Scout boats have examin'd the persons following on Oath.

Cap<sup>t</sup>: Jacob Wright Comander of one of the said Boats declared as follows.

That his Scout Boat & the other are Constantly imploy'd in turns to carry Provisions to Fort King George as well as sometimes to come to Charles Town for necessarys for the said Garrison.

That Coll<sup>o</sup> Woodward (under whose direction the Scout boats are) has Com'anded the s<sup>d</sup>: Wright as well as the Comander of the other Scout Boat to put two or three of their people into a Perriaugo which the said Coll<sup>o</sup>: Woodward generally sends with them to carry the Provisions to Fort King George.

That the men of the Scout Boats have allways Complained & thought it a hardship to serve on any duty but what belonged to the Scout Boats. John Hutchinson one of the people who formerly belonged to Capt: Wright's boat & now in Capt: Palmeters declares Viz<sup>t</sup>:

That both the Scout boats in their turns allways carry provisions in them to the aforesaid Garrison of Fort King George w<sup>ch</sup>: does not only incom'ode them in the boat but makes it very difficult for them to pass several Shallow places in the large Sounds they must cross & that two or three of the boats crew are allways employed in a Perriaugo of Coll<sup>o</sup>: Woodward's to collect provisions & carry it to the aforesaid Garrison.

Hugh Willson one of Capt. Wright's boat crew declared as follows, That he hath been one of the people employed in Coll<sup>o</sup> Woodward's Perriaugo & has fetch't provisions in the Scout Boat 20 or 30 miles up Ashepoo River & carryed it afterwards to Fort King George.

The Com'ittee are of Opinion that the two Com'anders of the Scout Boats shou'd have instructions giving them by the Presid<sup>t</sup>: in writing in respect to their duty & to direct Coll<sup>o</sup>: Woodward on no pretence whatsoever at any time to fetch any of the provisions design'd for Fort King George on board either of the Scout Boats. & that the men belonging shall be employe'd on no duty but what belongs to the said Boats & that boats by turns Rendezvouz at Hilton's head.

That the Capt: of the Scout Boat now in Town be order'd to carry the Gun's &<sup>ca</sup>: which has been thought proper to be mounted at hilton's head.

In the Com'ons house of Assembly.

Decembr: the 4<sup>th</sup>, 1725.

read & agreed to.

William Blakewey C.D.C.

Mr: Sec<sup>ry</sup>: Hart brought from the Council the following message with the Tax Bill.

Mr: Speaker & Gent<sup>n</sup>

We sent you down the Tax bill upon our second reading with such amendm<sup>ts</sup>: as We thought fit to make if, upon your third reading you were not willing to agree to those amendm<sup>ts</sup>: it would have been Parliamentary<sup>1</sup> to have desired a Conference with this house to adjust the same, but to read & pass the bill the third time with amendm<sup>ts</sup>: without desiring such a Conference, & rasing out ours & denying us the same Priviledge is concluding us to your own amendm<sup>ts</sup>: which We look upon is taking from us the undoubted Right We have of framing altering and mending bills.

We therefore send you down the bill with such amendm<sup>ts</sup>: as We past it with last night & as We are unwilling to incroach on your priviledges so We shall be very carefull of preserving what We know to be our own—disputes of this nature are very disagreeable to us, had you proceeded upon the third reading as you ought to have done there had been no occasion for it.

upper house . . . }  
4<sup>th</sup> decembr: 1725. }

Ra: Izard

The Com<sup>it</sup>tee appointed to Search presidents concerning the priviledges of this house were order'd to draw an answer to the above message.

The house adjourn'd til munday afternoon five of the Clock.

Munday the 6<sup>th</sup> day of December 1725.

The house mett according to adjournment. & adjourn'd til to morrow morning nine of the Clock.

Tuesday the 7<sup>th</sup> day of December 1725.

the house mett according to adjournment.

Mr: Whitaker from the Com<sup>it</sup>tee appointed to draw a message in answer to the message from the Council Reported the Same & after some Amendments made therein the following message was agreed to be sent.

Hon<sup>ble</sup>: Gent<sup>n</sup>:

The message you sent by Mr: Sec<sup>ry</sup>: Hart of the 4<sup>th</sup> Instant this house has taken under their serious Consideration & As the Subject matter of it is of the utmost Consequence to the Privi-

ledges & even the being of Assemblys here, so we shall be as careful in our answer as the Subject requires. As the Rights & Libertys of Parliam<sup>ts</sup>: are inherent to every Englishman in Great Brittain so we hope those who have the Misfortune to live in America are not to be precluded those rights for that reason only. On this foundation, we presume, we are still just in our proceedings in relation to the Tax bill, & that none of them have been unparliamentary, it being a Constant Rule in G: Brittain, that all bills ought to be amended in that house where they arose, as well as that all Amendm<sup>ts</sup>: from your house ought to be sent down to ours for our agreem<sup>t</sup>. thereto before they are put into the Bill. And as this is a Maxim in passing all bills of what kind soever, so we think the Argum<sup>t</sup>: is still stronger on our side as to the money bill.

Your Hon<sup>rs</sup>: seem to be of opinion, that it would have been parliamentary for this house to have desired a Conference after the Amendm<sup>ts</sup>: on the Second reading of the Bill in yours in order to adjust the same, & therefore to read the bill a third time in ours, without such desire is consequently unparliamentary so that the point in question is now whether your Hon<sup>rs</sup>: or this house have been so. On our side we think we have the strongest Pesid<sup>ts</sup>: in G Brittain to support our opinion, founded on Several reports of the Com<sup>'ons</sup> proceedings in Cases of this kind, and we hope his Maj<sup>es</sup>: hon<sup>ble</sup>: Council of this Province, will not deny they are so. Therefore we cannot conceive how this house could be unparliamentary in takeing no Notice of your Amendm<sup>ts</sup>: since from better Authority than our own, we knô that those Amendm<sup>ts</sup>: were made in a Manner very different from the usage of Parliam<sup>ts</sup>: in Cases of the like Nature, you having altered the bill in your house upon a Second reading without desireing a Conference; w<sup>ch</sup>: upon a strict Examination you'l find you ought not to have done. As to the right of frameing altering & amending Bills. If it regards the bill under debate, we are of a very different opinion from your Hon<sup>rs</sup>: because it would deprive us of a Privilidge, without w<sup>ch</sup>: a house of Com<sup>'ons</sup> would be of very little consequence.

Disputes of this Nature cannot be more agreeable to us Than to your hon<sup>rs</sup>: however when we find it necessary, we are obliged to maintain them. And as we are perswaded we have proceeded in this Matter as an Assembly careful of their Priviledges ought,

so we are resolv'd always to act in a manner consistant w<sup>th</sup>: that Carracter

The Above message was sent up by Mr Rhett & Cap<sup>t</sup> Nichols.  
The house adjourn'd to 2 a Clock in the afternoon.

The house met according to adjournment

Mr. Secretary Hart brought from the Council the bill for establishing a Ferry from hooping Island on Edistoe, read in Council the first time and passt with Amendm<sup>ts</sup>:

The Bill for establishing a Ferry from hooping Island on Edistoe to Mr Boons Island was read a Second time & past w<sup>th</sup> amendments.

Mr Sec<sup>ry</sup>: Hart brought from his hon<sup>r</sup>. the Presid<sup>t</sup>: a Letter from his Excell<sup>y</sup> Francis Nicholson Esq<sup>r</sup>: to his hon<sup>r</sup>. & acquainted the house that the Presid<sup>t</sup> had sent the s<sup>d</sup> Letter for the perusal of the house. And the s<sup>d</sup> Letter being read in this house it was return'd by Cap<sup>t</sup> Green and Maj<sup>r</sup> Hext.

The house adjourn'd till tomorrow Morning 9 of the Clock.

Wedensday Morning the 8<sup>th</sup>: day of Dec<sup>r</sup>. 1725.

The house met according to adjournment.

The Bill for establishing a ferry from hooping Island on Edistoe, read the second time & passt w<sup>th</sup>: Amendm<sup>ts</sup>: was sent up by Cap<sup>t</sup> Seabrook and Maj<sup>r</sup> Hext.

The house reading the report of the Com<sup>'</sup>ittee appointed to examine the Com<sup>'</sup>anders of the Scout boats orderd.

That the Clerk of this house write a Letter to Coll<sup>o</sup> Woodward, letting him kno that it is the order of this house, that he forthwith attend in order to answer certain Complaints ag<sup>st</sup> him concerning the managem<sup>t</sup> of the Scout boats & that the Clerk send him a Copy of afores<sup>d</sup> report

And the the foll<sup>g</sup>: Message was orderd to be sent to the Presid<sup>t</sup>  
May it please your hon<sup>rs</sup>:

Herewith we send you a report of a Com<sup>'</sup>ittee of this house appointed to Examine one of the Com<sup>'</sup>anders of the Scout boats concerning some mismanagem<sup>t</sup>: in the s<sup>d</sup>: Boats. As we are of opinion the due regulation of these boats is of very great Consequence to this Province so any Corruption in that Service ought to be detected.

We therefore desire your hon<sup>r</sup>. will be pleasd to lay before us the Instructions given to Coll<sup>o</sup>. Woodward, or any other persons concerning that Service if any there be & that you'l please, to give orders agreeable to s<sup>d</sup>: Report of our Com<sup>'</sup>ittee

Mr: Secretary Hart brought from his hon<sup>r</sup> the President the foll<sup>o</sup> Message

Mr Speaker & Gen<sup>t</sup>

I am very sorry to find the two houses have fall'n into dispute, concerning Privilidges, when at the same time I am satisfyd it was not the Intention of either to infringe on the other, as this Accident has already hinderd sometime in the Dispatch of the publick affairs so I shall now use my Endeavour (as an Indifferent person) to put a stop to it. I therefore desire you will appoint a Com<sup>'</sup>ittee of your house to meet a Com<sup>'</sup>ittee of his Maj<sup>es</sup>: hono<sup>ble</sup>: Council to consider of the best method that can be taken for this Purpose

Dated 8<sup>th</sup>: Dec<sup>r</sup>: 1725.

Ar. Middleton.

On reading the above Message the following Com<sup>'</sup>ittee was appointed to meet y<sup>e</sup>: Com<sup>'</sup>ittee of his Maj<sup>es</sup> Council Coll<sup>o</sup> Fenwicke Mr Allen Mr: Smith, Mr: Izard Mr: Eveleigh.

Mr: Allen from the aforesaid Com<sup>'</sup>ittee made the foll<sup>o</sup> report

The Com<sup>'</sup>ittee appointed to confer w<sup>th</sup>: a Com<sup>'</sup>ittee of his Maj<sup>es</sup>. hon<sup>ble</sup> Council to consider of a Method to accommodate the dispute between the two houses in relation to the Tax bill Report.

That it is the opinion of your Com<sup>'</sup>ittee that all the business of the house be finish't as soon as possible

That in order to prevent disputes for the future between the two houses in passing bills the following Methods ought to be taken.

1<sup>st</sup>: That all bills arising in this house do lye on the Table for the perusal of the Members or be read Cursoroly for the information of the house.

2<sup>dly</sup>. That the next time it is read (w<sup>ch</sup>: the Com<sup>'</sup>ittee are of opinion ought to be calld the first reading) the several blanks in the bill ought to be filld up & Amendm<sup>ts</sup>. made.

3<sup>dly</sup>. That at the Second reading the bill do pass w<sup>th</sup>: Amendments and that none be made on the third.

4<sup>thly</sup>. That all amendments made by either house be put in a Seperate peice of paper & sent to either house for their



Agreement thereto and the house disagreeing desire the Conference

In the Commons house of Assembly 8<sup>th</sup>: Decem<sup>r</sup>. 1725

The first & last clause agreed to, the rest not agreed to.

W<sup>m</sup> Blakewey CDC.

Mr Secret<sup>y</sup>: Hart brought from the Council the following message

Mr Speaker & Gent:

We send you down the tax bill read three times & pass'd with the Amendments. of this house. We desire that all possible dispatch may be made in your house. for the passing the same, that we may (if possible) conclude the Session this week.

Ra. Izard.

The house adjourn'd till 2 of the Clock in the afternoon

The house met according to adjournment.

Mr Secret<sup>y</sup>: Hart brought from the Council the following Message.

Mr Speaker & Gent.

I this morning sent you a Message in relation to the disputes between the two houses desiring that Committees might be appointed to find out proper Methods to end them.

The Committee of his Maj<sup>es</sup> hono<sup>ble</sup>: Council have accordingly made their report to this board & I was in hopes that the affair now in Dispute was got over, but not hearing anything from your house on that head I again put you in mind of it, & assure you that nothing shall be wanting in me to forward the business now before us nor shall it lye at my Door if the affairs of this his Maj<sup>es</sup> Province are neglected.

The following message was drawn & sent to his Maj<sup>es</sup> Council by Capt Dry & Capt Green in answer to their message of this morning.

Hono<sup>ble</sup> Gent

In answer to your message before noon received by Mr Secret<sup>y</sup> Hart The tax bill might have been pass'd before now, had not you made Amendments: to it & pass'd it without desiring any Conference, w<sup>ch</sup>. we hold to be very unparliamentary, and whatever happens to be the Consequence of the delay it has met with: cannot be attributed to us.

We propose that the bills that are engross'd & ready for passing may be ratify'd as soon as possible that the Session may conclude as soon as his hon<sup>r</sup>: the President thinks proper

Maj<sup>r</sup>. Hepworth & Cap<sup>t</sup> Dry were directed to carry up your engross't Bills to be compard in Council & to have the seals affix't to them

The following message was sent to his hon<sup>r</sup>: the President  
May it please your hon<sup>r</sup>:

Agreeable to your Message rec'd this morning by Mr Secretary Hart This house appointed a Committee to meet a Com<sup>'</sup>tee of his Maj<sup>es</sup> hono<sup>ble</sup>: Council, to conferr in order to Settle the disputes between the two houses in relation to the Tax bill the report of which we here with send your honour as it is agreed to by this house.

This we likewise take to be an answer to the former part of your Hon<sup>rs</sup> Message just now reciev'd as to the latter part of it this house is well assur'd of your care & assiduity in forwarding the business before us now can we reasonably tax your hon<sup>r</sup>: or ourselves with neglect if it is retarded.

Sent up by Mr: Rhett & Cap<sup>t</sup> Bond.

Mr Secretary Hart brought the Council the foll<sup>o</sup> Message together w<sup>th</sup>: a report of the Council appointed to confer w<sup>th</sup>: a Com<sup>'</sup>tee of this house to prevent disputes between both houses for the future in passing bills &<sup>ca</sup>. he also brought with him the Bill for establishing a Ferry from Hooping Island on Edistoe to Mr. Joseph Boons Island. read in Council the 2<sup>d</sup> time & pass't w<sup>th</sup>: Amendm<sup>ts</sup>:

Mr Speaker & Gen<sup>t</sup>:

In Answer to your Message of yesterday by Mr Rhett and Mr Nichols, we have as seriously considerd our Message of Saturday last & do not find any thing therein Containd, that in the least infringes on your Privilidges or the being of the lower house of Assembly. We did therein insist on our own Privilege of frameing altering & amending of money bills for w<sup>ch</sup>: we have his Maj<sup>es</sup>: royal instructions. We are still of opinion that our proceedings on the tax bill (brought to us this session) are regular & supported by the Constant Method of passing bills heretofore usd in our Assemblies, Allowing it to be a constant rule in G Brittain that all bills ought to be amended in that house where they arose. We concieve the reason of that to be that such bills are read three times before they are sent to the other house; so that there is a necessity that all amendm<sup>ts</sup>: should be Concurr'd to in the other house, before they can be inserted and made

part of the Bill, & so it may be here. when both houses agree on this Method of passing of Bills w<sup>ch</sup>: way of reading bills was agreed upon at the beginning of his Excell<sup>cy</sup>: Govern<sup>r</sup>: Nicholson's Administration but was afterwards altered by consent of both houses to the old method made use of here of reading a Bill a first, Second & third time & sending at each time of reading, to their respective houses in order for each house to make their Amendments. In order to prevent any farther disputes In the reading & passing of Bills. We herewith send you the report agreed to by the Committee of both houses & this board. the words (& Amendments) made in the Second paragraph Excepted 8<sup>th</sup> Decemb<sup>r</sup> 1725.

Ra. Izard

Mr: Secret<sup>y</sup>: Hart brought from his hon<sup>r</sup> the President the following message.

Mr Speaker & Gent

If you desire to pass the bills now before you engross't in order to be prorogu'd for a short time & then meet & pass the Tax Act. I am willing to agree with you & desire your Answer to this purpose but am of opinion (the bills being all ready) may be pass'd altogether at one time

Ar: Middleton

May it please your hon<sup>r</sup>.

We hope your hon<sup>r</sup>: is opinion that we judge it absolutely necessary that a Tax bill should be forthwith pass't, therefore if your hon<sup>r</sup> is pleas'd to pass the engross't bills now & to prorogue us for a short time we shall enter chearfully on & dispatch all the im'ediate & necessary business of the province

Sent up by Mr: Hume & Cap<sup>t</sup>: Hayward.

Mr. Secret<sup>y</sup>: Hart brought from the Council the following message.

Mr. Speaker & Gent:

In Answer to your message this afternoon by Cap<sup>t</sup> Dry & Cap<sup>t</sup> Green had you ask't a Conference upon our Amendm<sup>ts</sup>: the Second reading which we think it had been parliamentary in you to have done, all these delays & disputes had been avoided, we have regularly pass't the Tax bill a 3<sup>d</sup> time & sent down to you & as it now lyes before your house we cannot charge ourselves w<sup>th</sup>: the Consequence of the delay of its not passing into an Act

We are ready to dispatch the bills & all other business that lyes before the two houses in order to Conclude this Session

Ra. Izard.

Mr. Hargrave brought the following message from the President Mr. Speaker & Gent:

I am willing to pass the laws you desire & to prorogue you for a short time, in order that the Tax bill may pass for the support of the Curr<sup>t</sup> year. but think it proper that the method of passing bills be first agreed on least disputes should happen & the Bill meet w<sup>th</sup> the same fate it has done this session

8<sup>th</sup> Dec<sup>r</sup>. 1725

Ar: Middleton

The house adjourn'd till tomorrow morning 9 of the Clock.

Thursday the 9<sup>th</sup>: Decem<sup>r</sup>. 1725.

The house met according to adjournm<sup>t</sup>.

On reading the bill for establishing a ferry from hooping Island on Edistoe to M<sup>r</sup>: Joseph Boons Plantation a Debate arose and The question was put whether the house should proceed on reading the s<sup>d</sup> Bill

Carry'd in the affirmative

The bill for establishing a ferry from hooping Island &c<sup>a</sup>. was read the third time & pass't w<sup>th</sup>: Amendm<sup>ts</sup>.

Sent up by Coll<sup>o</sup> Hall & Cap<sup>t</sup>. Nichols.

The Sect<sup>r</sup>: Brought from the Presid<sup>t</sup> the following Message. Mr Speaker & Gent.

I must once more press you to settle the method of reading & passing bills for the future before I can prorogue you. As most of the bills to be passt this sessions depend on the Tax bill the postponing them to another session cannot in any wise be prejudicial to the welfare of this province, therefore the sooner you come to a resolution the sooner you may be prorogu'd

9<sup>th</sup>: Dec<sup>b</sup>: 1725.

Ar Middleton

The following message was sent to his hon<sup>r</sup>. the Presid<sup>t</sup> by M<sup>r</sup>. Rhett & Coll<sup>o</sup> Palmer.

May it please your hon<sup>r</sup>:

In answer to your message receiv'd last last night by M<sup>r</sup> Hargrave We assure your hon<sup>r</sup>. that we never have taken any uncom'on method in passing of bills so we shall at all times hereaf-

ter do every thing consistent w<sup>th</sup>: the Priviledges of a house of Commons & we hope the method this house has agreed to in the report sent your honour last night will effectually prevent any disputes between the two houses upon passing Bills for the future. And in answer to your hon<sup>rs</sup>. message just now recieved we are of opinion that the postponing the ratification of the bills now engross't will ocasion our next Session to be as long as the present w<sup>ch</sup>. cannot but be prejudicial to the publick welfare of this province but also a great hardship on the members of this house whose private affairs must suffer from so long an Attendance.

Mr: Secretary from his Maj<sup>es</sup> Council brought the followg Message.

Mr. Speaker & Gent

We yesterday desird the members that came up to Compare The engrosst bills to return w<sup>th</sup>: them to your house & we would give them notice when we were ready. His hon<sup>r</sup>: the President has this day acquainted us that he will pass no bill before he prorogues us. It will therefore be to no purpose to compare the bills already engrosst. If there be any other business before you that requires our Concurrence We are ready to dispatch the same. & We take this opportunity to let you knô how desirous We are to settle the method of reading & passing bills. before the prorogation to prevent misunderstandings between the two houses when we meet again

9<sup>th</sup> Dec<sup>r</sup>. 1725

Ra. Izard

Motion was made & the Question put whether the bill for establishing a Ferry from hooping Island &c<sup>a</sup>: be engross't

Carry'd in the Negative

The message of yesterday enterd into the Journal to the Presid<sup>t</sup>: on the report of the Com'ittee appointed to examine the Com'ander of the Scout boats was now engross't & signd by the Speaker & sent up w<sup>th</sup>: a Copy of the report of the s<sup>d</sup> Com'ittee by Cap<sup>t</sup> Dry & Mr. Heyward, and they were orderd to desire the President to send this house an Answer to their last message.

Mr Sect<sup>ry</sup>: Hart brought from his hon<sup>r</sup>: the Presid<sup>t</sup>: the following message

Mr. Speaker & Gent:

In Answer to your message this day by Mr. Rhett & Coll<sup>o</sup> Palmer it is my opinion that the method of reading & passing

Bills w<sup>ch</sup>: you have now insisted upon is uncom'on; & not agreeable to what has been Constantly practis'd in this province to this time, w<sup>ch</sup>: I take to be the stated method & not to be alterd but by the Consent of both houses. I am satisfy'd you may be convinc't of this by perusing your own Journals & by the knowlege of several of your members. If in the beginning of this session you had a mind to alter the method you should then have proposd it, but now to insist upon it is to delay time & obstruct the publick business I therefore again recommend to you to follow the Constant practise here in such Cases.

I cannot think the ratification of the bill now engross't will take up much of your time at the next meeting since every matter therein hath been thoroughly debated, & agreed to by both houses. I am sorry so much time has been spent in disputes & hope at the next meeting to find a perfect harmony between the two houses. & a Quick dispatch given to the affairs before you.

Dat: 9<sup>th</sup>. Dec<sup>r</sup>. 1725.

Ar. Middleton

The Treasurers books of Acco<sup>ts</sup>: were signd by the Speaker by order of this house.

The following message was sent to his hon<sup>r</sup>: the Presid<sup>t</sup>. by Maj<sup>r</sup>. Hepworth. & M<sup>r</sup> Raven.

May it please your hon<sup>r</sup>:

This house having now no business before them are ready to wait on your hon<sup>r</sup>: to ratifie the several engross't Bills before us and We desire to know if your honour will ratifie them.

The house adjourn'd to three of the Clock in the afternoon

The house met according to adjournm<sup>t</sup>.

M<sup>r</sup> Secr<sup>ty</sup>: Hart from his Maj<sup>es</sup> Council acquainted the house that they desird the engross't bills may be sent up in order to be Compard

The Several Engrosst bills were sent up by Cap<sup>t</sup> Dry & Maj<sup>r</sup> Hepworth

The foll<sup>o</sup> Message sent up by Cap<sup>t</sup> Izard & M<sup>r</sup> Ja: Akin

May it please your hon<sup>r</sup>:

This house desires, if your hon<sup>r</sup>: thinks fitt to prorogue us that it may be to the Second tuesday in January next since from our Constant attendance on the public affairs this sessions we have good reason to desire a recess to that time

Capt<sup>t</sup> W<sup>m</sup> Dry & Maj<sup>r</sup> Thomas Hepworth who were sent to his Maj<sup>es</sup>: Council w<sup>th</sup>: the Several Engrosst bills returnd w<sup>th</sup> the said bills returnd w<sup>th</sup>: the s<sup>d</sup> Bills the seals being affixt to them

Mr. Secret<sup>y</sup>: Hart from the Council acquainted the house that his hon<sup>r</sup>. the Presid<sup>t</sup>: requir'd their attendance im<sup>e</sup>diately in the Council Chamber in order to ratifie the Several engrosst bills.

Mr. Speaker w<sup>th</sup>: the house waited on his hon<sup>r</sup>. the President with the s<sup>d</sup> Bills in order to their being ratify'd, & the following Acts were ratifyd & his hon<sup>r</sup>. the Presid<sup>t</sup> then prorogud the general Assembly to Fryday the 10<sup>th</sup>: day of this Instant Decem<sup>r</sup>: three of the Clock in the afternoon.

An Act to Settle Patroles in Convenient parts of this province

An Act to encourage persons to transport themselves from Great Brittain & Ireland & to become settlers in the province of S<sup>o</sup> Carolina

An Act for founding & Establishing a parochial Chappel of ease at Childsbury to the Parish Church in St: Johns Parish.

An Act for removeing the Ferry, now at James Wrixams. Plantation & establishing the same & John Jacksons Plantation Cross pon pon River.

An Act for founding & erecting two parochial Chappels of Ease the one at Wiltown to the Parish Church of St. Pauls & the other at or near Cap<sup>t</sup>: Cox's Plantation to the Parish of St: Bartholomew.

Fryday the 10<sup>th</sup>: day of Decem<sup>r</sup>. 1725 3 of the Clock in the afternoon.

The house met according to his hon<sup>rs</sup>. prorogation

Mr. Allen & Mr. Barton were directed to wait on his Hon<sup>r</sup> the Presid<sup>t</sup> & to acquaint him that the house was met & ready to proceed on business

Mr. Secret<sup>y</sup>: Hart acquainted the house from his hon<sup>r</sup> the President that their attendance was immediately requir'd in the Council Chamber

The Speaker & the house waited on the Presid<sup>t</sup>: & being returnd Mr Speaker laid before the house his hon<sup>r</sup>. the Presidents speech which he had obtaind a copy of & is as follows.

Mr. Speaker & Gent.

The intention of our meeting according to this Short prorogation I hope will now be every way answered for the good of this his Maj<sup>ty</sup>: province & to that end I must recommend to you to provide for the support of the Govern<sup>t</sup> for the ensuing year, without which it will be impossible for me to answer the end of the station I am in. I desire therefore you will return to your own house, & give all possible dispatch to the same that you may the sooner return home to your Private affairs.

Council Chamber 10<sup>th</sup>: Decem<sup>r</sup>: 1725. Ar: Middleton

The above speech being read the following Gent<sup>l</sup>: were appointed a Com<sup>it</sup>tee to draw an Answer thereto. Mr: Allen, Coll<sup>o</sup>. Fenwicke and Cap<sup>t</sup> Dry.

Mr: Allen from the afores<sup>d</sup>: Com<sup>it</sup>tee reported the following address w<sup>ch</sup>: being read was agreed to & orderd to be engross<sup>t</sup>

To the hono<sup>ble</sup>: Arthur Middleton Esq<sup>r</sup>. President & Command<sup>r</sup>: in chief of this his Maj<sup>es</sup>: province of South Carolina.

The humble Address of the Com<sup>ons</sup> house of Assembly.

May it please your Hon<sup>r</sup>:

In Answer to your Speech just now made to this house we take leave to assure your hon<sup>r</sup>. that we have the most Sincere Regard to the good & welfare of this Province. And as we think the support of it ought to be our chiefest aim, so we shall contribute all in our power to that purpose.

For that end we shall chearfully enter upon provideing for the charges of the ensuing year. recom<sup>d</sup>ended to us. to w<sup>ch</sup>: we make no doubt but your hon<sup>r</sup>: will give all possible dispatch.

Mr: Rhett & Mr Akin were directed to wait on his hon<sup>r</sup>. the Presid<sup>t</sup> & from the house desire to know when his hon<sup>r</sup>. would be at leisure to recieve the address of the house. & being returnd they acquainted the Speak<sup>r</sup> his hon<sup>r</sup>. was ready to recieve them when the house pleas<sup>d</sup>

The Speaker & the house waited on his hon<sup>r</sup>. the President with the foregoing address & being returnd.

The Bill for raising the Sum of  
for defraying the contingent charges of the Govern<sup>t</sup>. for one  
year com<sup>en</sup>cing the                      day of                      172 &  
ending the                      day of 172                      was read the first time &  
passt w<sup>th</sup>: Amendm<sup>ts</sup>:



The house adjourn'd till tomorrow 9 of the Clock.

£634.. 2.. - - -

Mr Sec<sup>ty</sup> Hart brought down the bill for the better settling and strengthening this Province read in Council the first time & passt with Amendm<sup>ts</sup>: & the Estimate for the Current year,

& the house finding some Alterations proposd to be made to the same by the Council the following message was orderd to be sent.

Hon<sup>ble</sup>. Gent

We find you propose some alterations to be made in the Estim<sup>a</sup>— therefore desire you will appoint a Com<sup>'</sup>ittee of your house to meet a Committee of ours to Confer on that matter & to settle the Estimate

The above message & the resolution concerning the money to be paid for repairing Johnsons Fort was sent up by Mr. Rhett & Mr. Raven

Mr Secr<sup>ty</sup>: Hart brought from the Council the following Message

Mr Speaker & Gent.

Tho' I am willing to consent to your adjournm<sup>t</sup> till tuesday next yet I cannot help acquainting you that I am desirous you should meet sometime on Monday next the quicker to give dispatch to the business before you.

The Committee appointed to Confer w<sup>th</sup>: a Com<sup>'</sup>ittee of his Majesties Council on the Proposd alterations in the Estimate went out

The house adjourn'd till tuesday the 13<sup>th</sup>. Instant 4 of the Clock in the afternoon

Tuesday the 13<sup>th</sup>. day of Decem<sup>r</sup>. 1725.

The house met according to adjournment & adjourn'd till Tomorrow morning 9 a Clock.

Wednesday Morning The 14<sup>th</sup>. Decem<sup>r</sup>. 1725.

The house met according to adjournment

The bill for raising the sum of £20260:18:10½ for defraying the Contingent charges of the Governm<sup>t</sup> for one year commencing the 29<sup>th</sup> day of Sept<sup>r</sup>: 1725. & ending the 29<sup>th</sup>: day of Sept<sup>r</sup>. 1726 & for makeing good the Deficiency of the last years Tax. was read the Second time & past w<sup>th</sup>: Amendments & sent up by Mr Bond & Mr. Akin

The house adjourn'd till 3 aClock in the afternoon

Mr Secr<sup>ty</sup> Hart brought from his Maj<sup>es</sup> hon<sup>'</sup>oble Council the bill for raising the sum of £20260:18:10½ & read in Council

the Second time & passt w<sup>th</sup>: Amendments & the house orderd the Clerk to inspect the s<sup>d</sup> Bill if any amendments were proposd by the Council and the Clerk reading some proposd Amendm<sup>ts</sup>: to the s<sup>d</sup> Bill on peices of paper pin'd to the said bill the house took under Consideration the Method of passing bills & some debates arising concerning the same the foll<sup>o</sup>: Question was propos'd

Whether it is the opinion of this house that the Council shall make any alterations in Tax bills.

And the previous Question was put whether the aforesaid question should be put

Carryd in the affirmative

And then the question was put whether it is the opinion of this house that the Council shall make any alterations in Tax bills.

Carryd in the Negative

The house adjournd till tomorrow morning 9 of the Clock.

Thursday Morning the 15<sup>th</sup>: day of Decem<sup>r</sup>. 1725.

The house having recourse to their resolution of yesterday concerning the power of the Council in amending Tax bills orderd the following message to be sent.

Hono<sup>ble</sup>: Gent<sup>t</sup>

The house looking over the tax bill read & passt a Second time in Council found several Amendm<sup>ts</sup>: made in your house pind to the s<sup>d</sup>: Bill & the house takeing the same under their Consideration pass't the following vote.

The question was put whether it is the opinion of this house that the Council shall make any alteration in Tax bills

Carryd in the Neg<sup>a</sup>:

The above message & resolution was sent up by M<sup>r</sup> Whitaker & M<sup>r</sup> Parker.

The Tax bill was sent up by Coll<sup>o</sup> Fenwicke & M<sup>r</sup>. Akin & those Gent<sup>t</sup>: being returnd Coll<sup>o</sup> Fenwicke acquainted the house that the Council would not recieve the s<sup>d</sup>. Bill it not being read a third time

The bill for raising the sum of £20260..18..10½ for defraying the Contingent charges of the Governm<sup>t</sup>: &c<sup>a</sup>: was read the third time and passt w<sup>th</sup>: Amendments.

The above bill was sent up by Cap<sup>t</sup>: Geo Smith & M<sup>r</sup> John Raven

The house adjournd till 2 of the clock in the afternoon

The house met according to adjournment.

Mr. Secret<sup>y</sup>: Hart brought from the Council the foll<sup>o</sup> Message.  
Mr. Speaker & Gent<sup>l</sup>.

In answer to your message rec'd this morning by Mr. Whitaker & Mr Parker, we are very much surprizd to find that you have pass't a Vote that his Majesty's council have not power to make any alteration in a money bill

His Majesty in the 35<sup>th</sup> Ar: of his royal Instructions to his Excell<sup>cy</sup>: Francis Nicholson Esq<sup>r</sup>. declares that the members of the Assembly in the Plantations, have of late years assumd to themselves privileges no way belonging to them, & there enumerates in that article some of the particulars; & concludes that his Council shall have equal power in frameing altering & mending money bills. The refusing his Council so to do he further declares to be Detremental to his royal prerogative

For you to insist upon a Privilege altogether new in putting us under a necessity either to act contrary to his Maj<sup>es</sup> royal Instructions or to suffer the Countrey to run into confusion for want of a necessary supply to Support the same.

We do insist that to alter a money bill is the right of the Council both by the ancient practise of this Countrey & the 35<sup>th</sup>: art: of his Maj<sup>es</sup>. Instructions, w<sup>ch</sup>. We look upon binding on the Gen<sup>l</sup>: Assemblys of the Plantations whatever your opinion may be of them.

As we have the good understanding of both houses as well as the welfare of the province at heart. so we shall make such a representation to his most Sacred Majesty that his royal pleasure may be known thereon in order to prevent disputes of this nature for the future

Council Chamber 16<sup>th</sup>. Dec<sup>r</sup>. 1725.

Ra Izard

The Sec<sup>ry</sup>: brought from the Council the tax bill read in Council the third time & past together with the following message  
Mr: Speak<sup>r</sup>: & Gent<sup>l</sup>:

We find upon the return of the tax bill read three times in your house, that you have taken out several amendm<sup>ts</sup>: made by us upon our second reading w<sup>ch</sup>: We look upon as an infringm<sup>t</sup>: of the priviledge of this house

But the necessity of the Governm<sup>t</sup>: requiring a Supply for the Support thereof, We are constrain'd until his Majesties pleasure shall be known (not withstanding such a breach of our privi-

ledge) to consent to the passing the same, to preserve the peace of this his Majesties Province & to prevent its running into confusion

We therefore send you down the bill passed.

Ra: Izard.

The bill for the better settling & Strengthening of this Province was read the second time & past with amendments.

The house adjourn'd til tomorrow morning nine of the Clock

Friday morning December the 17<sup>th</sup>. 1725.

The house mett according to adjournment

The bill for the better settling & Strengthening of this Province was sent up to the Council read a third time & past with amendments.

The above bill was brought down from the Council by Mr: Sec<sup>r</sup>: Hart read in Council the third time & past w<sup>th</sup>: amendm<sup>ts</sup>: The house took under consideration the messages of the Council of Yesterday & Order'd that the following message should be sent

Hon<sup>ble</sup>: Gent<sup>n</sup>:

Observing in your Hon<sup>rs</sup>: message of yesterday that you intend to make a Representation to his most sacred Majesty of the matters that have arrisen between the two houses concerning the method of passing the bill for raising a Tax for defraying the emergencies of the Governm<sup>t</sup>: for the Current year, We desire that in order to its being put in a clear light his Majesty may be made acquainted that the said bill was not calculated for stamping or making money or enlarging the Currency of this Province but for raising a Supply by way of Tax for Supporting the Government.

As We are greatly desirous that our Loyalty to his most sacred Majesty may appear as conspicuous as possible We take this opportunity of declaring that it can never enter into our thoughts to invade the least branch of his Majesties Royall Prerogative & We are well assured that a Prince who has the rights & privileges of his people so much at heart could never intend by any Instructions to his Govern<sup>r</sup>: to abridge them of the same. ———

Far are We from any intention of infringing the Priviledges of your house & We are convinced you cannot blame us for asserting our own on all necessary Occasions & when We inform you of

this We cannot doubt of a very good understanding between both w<sup>ch</sup>: We shall allways be assiduous to cultivate.

Tho<sup>s</sup>: Broughton Speaker.

The above message sent up by Cap<sup>t</sup>: Bond & Cap<sup>t</sup>: Nicholls.  
The bill for the settling & strengthning this Province was sent up by Cap<sup>t</sup>: Dry & M<sup>r</sup>: Izard being read a third time & past with amendments.

The above bill was brought down from the Council read a third time & past with amendm<sup>ts</sup>:

The house adjourn'd til four of the Clock in the afternoon

The house mett according to adjournment

The house adjourn'd til to morrow morning nine of the Clock

Saturday the 18<sup>th</sup> day of December 1725.

The house mett according to adjournment

The question was put if the Sum' of fifteen hundred pounds now given to his Hon<sup>r</sup>: the President should be in full for one year for his service as President:

Carryed in the affirmative

Maj<sup>r</sup>: Hepworth & M<sup>r</sup>: Allen were Order'd to carry up to the Council two ingrosed bills in order to compare them in Council Viz. the Tax bill & the bill for Strengthening the Province.

M<sup>r</sup>: Rhett & M<sup>r</sup>: Hext were directed to carry up to the Council 34 Orders signed & past in this house.

An Order was drawn in favour of M<sup>r</sup>: Joseph Boone for £1500.0.0. remaining due to him for his Agency w<sup>ch</sup>: was sent up by M<sup>r</sup>: Hume & M<sup>r</sup>: Raven.

#### Schedule of orders.

To John Chester for going with an express to y<sup>e</sup>:

Cherokees .....	40.	0. 0
To the Hon <sup>ble</sup> : Arthur Middleton.....	1500.	0. 0
One order to Arthur Middleton Esq <sup>r</sup> .....	100.	0. 0
To the C <sup>lk</sup> of the Assembly 2 orders for £100 each .	200.	0. 0
To Charles Burley.....	100.	0. 0
To Coll <sup>o</sup> : Brewton.....	100.	0. 0
To repairing the Church of S <sup>t</sup> : Tho <sup>s</sup> : & S <sup>t</sup> : Dennis..	400.	0. 0
To Christ Church.....	400.	0. 0
To a Chappel at S <sup>t</sup> : Bartholomews.....	300.	0. 0
To D <sup>o</sup> : for Will town.....	200.	0. 0

To Tho <sup>s</sup> : Hendley.....	100.	0.0
To Coll <sup>o</sup> : George Chicken.....	500.	0.0
To Cap <sup>t</sup> : Crofts.....	100.	0.0
To the free school Kitchen.....	400.	0.0
To M <sup>r</sup> : Sec <sup>ry</sup> : Hart.....	131.	10.0
To Coll <sup>o</sup> : John Herbert.....	12.	0.0
To the free school Com <sup>iss</sup> <sup>rs</sup> :.....	600.	0.0
To the Cap <sup>t</sup> : of the Watch.....	20.	0.0
To Cap <sup>t</sup> : Dry.....	3.	13.11½
To Edmund Maxwell.....	17.	12.6.
To John Salton.....	7.	10.0
To Maj <sup>r</sup> : Hepworth.....	3.	0.0
To Will <sup>m</sup> : Cattle for a Negro.....	100.	0.0
To Lieut <sup>t</sup> : Huddy.....	63.	0.0
To Coll <sup>o</sup> : George Chicken.....	35.	0.0
To Cap <sup>t</sup> : Tho <sup>s</sup> : Lloyd.....	29.	12.6
To Coll <sup>o</sup> : Theophtis Hasting in full for Sallary....	350.	0.0
To W <sup>m</sup> : Winderas.....	30.	0.0
To M <sup>r</sup> : Pinckney.....	25.	0.0
To M <sup>r</sup> : Kilpatrick.....	17.	10.0
To Alex <sup>r</sup> : Parris for his acct: settled.....	457.	15.0
To M <sup>r</sup> : John Brown.....	51.	0.0
To M <sup>r</sup> : Charles Burley.....	7.	10.0
To M <sup>r</sup> : John Chester.....	40.	0.0

M<sup>r</sup>: Sec<sup>ry</sup>: Hart acquainted the house that the Presid<sup>t</sup>: required the attendance of the house in the Council Chamber to Rattifye The Speaker & the whole house waited on the President to Rattifye & the Speaker was order'd by the house to deliver the following Speech to the President at his tendering the Tax bill to be Rattified.

May it please your Hon<sup>r</sup>:

As I tender for your assent this tax bill that has occasion'd a dispute between both houses concerning priviledge I take the liberty to acquaint y<sup>r</sup>: Hon<sup>r</sup>: that thò the 35<sup>th</sup> article of the Governor's Instructions allows the Council of Carolina to frame, alter & amend money bills yet the same article directs the Govern<sup>r</sup>: to permit the Assembly to have no more priviledges than the house of Com<sup>ons</sup> in Great Britain from whence We naturally imply that We are allowed as much & God forbid We should desire more nor do We beleive it his Majesties Intentions to give us less.

We cannot be of opinion that the King intends his Council in Carolina should have greater powers than the house of Peers in Great Britain & as they do not assume to themselves, that of framing altering or amending Tax bills, We are induced to beleive that the money bills mentiond in the s<sup>d</sup>: article of the Govern<sup>rs</sup>: instructions means paper money bills such as the General Assembly of this & other Governm<sup>ts</sup>: in America have heretofore made & not bills to Tax the people as was the dispute in this case & We have the more reason to be of this opinion when We consider our English Constitution w<sup>ch</sup>: is so admirably calculated as well for the support of the Royall prerogative as for the liberty of the people that one may say that every man is in some measure Tax by his own Consent because every taxable man has a Vote for one or more Representatives in the house of Com<sup>ons</sup>, & if the house of Peers that We think have no Vote for members to Represent them in the house of Com<sup>ons</sup> in Great Britain are content with a negative only upon tax bills this house will naturally beleive that his Majesties Hon<sup>ble</sup>: Council of Carolina that have the liberty for voting for members to Represent them in the Assembly will be content with the same power.

This house is very well pleased that your Hon<sup>rs</sup>: intend to receive the King's pleasure upon this matter of priviledge and doubt not but at the same time you will be so just as to communicate to his Majesty what I have now say'd upon this Subject by order of the house.

What I have further in charge to say is that as it was allways the inclination of this house to have an intire good understanding with your Hon<sup>r</sup>: as also with the members of his Majesties Hon<sup>ble</sup>: Council so We firmly intend to take all measures to Cultivate the same, that shall be consistant with the honour of a house of Com<sup>ons</sup> & the interest of the people We represent.

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>.

The following Acts were Rattified & the Assembly were prorogued to the second tuesday in March next.

An act for the better settling & Strenghtning this Province.

An Act for Raising the sume of £20,260.18.10.1/2 for defraying the contingent charges of the Governm<sup>t</sup>: for one year com<sup>encing</sup> the 29<sup>th</sup> day of Septemb<sup>r</sup>: 1725 & ending the 29<sup>th</sup> day of September 1726 & for making good the difficiency of the last years Tax.——



Tuesday the 1<sup>st</sup> day of February 1725.

The following members mett at the house of Coll<sup>o</sup>: Michael Brewton according to his Hon<sup>r</sup>: the President's Proclamation

The Hon<sup>ble</sup>: Thomas Broughton Esq<sup>r</sup>: Speaker.

Coll<sup>o</sup>: Geo. Chicken

Thomas Hepworth Esq<sup>r</sup>:

Cap<sup>t</sup>: Hugh Butler

M<sup>r</sup>: Thomas Barton

M<sup>r</sup>: John Ashby

M<sup>r</sup>: Robert Hume.

Cap<sup>t</sup>: Nath<sup>l</sup>. Broughton

The not being a sufficient number of Members to proceed on business' the Speaker adjourn'd the house til to morrow morning nine of the Clock.

Wednesday morning the 2<sup>d</sup> day of Febr<sup>y</sup>: 1725.

The house mett according to adjournment.

M<sup>r</sup>: Rhett & M<sup>r</sup>: Barton were directed to waite on his Hon<sup>r</sup>: the President & to acquaint him the house was mett & ready to proceed on business.

The house adjourn'd til two of the clock in the afternoon

The house mett according to adjournment.

M<sup>r</sup>: Lloyd & M<sup>r</sup>: Allen were order'd to inform his Hon<sup>r</sup>: the President that the house was mett. & being return'd they acquainted the house that his hon<sup>r</sup>: would send for them im<sup>e</sup>diately M<sup>r</sup>: Hart from the President acquainted the house that their attendance was im<sup>e</sup>diately required in the Council Chamber The Speaker & the house waited on the President, the house being return'd the Speaker laid before them the following Speech made to them by the President w<sup>ch</sup>: he had obtain'd a Copy of.———..———

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

I am extreemly concern'd, I am obliged to call you sooner than the time to which you were prorogued, but the melancholy occasion so nearly concerns his Majesties interest & service & that of this his Province that I am bound in duty to require your advice & assistance.

Gent<sup>n</sup>: I am sattisfied you are all sencible of the unhappy accident that has lately happened by fire to his Majesties Garrison at Alatomaha by which that Fort is destroyed & the Soldiers in a defenceless condition & exposed to insults of the Spaniards & barbarous Indians you know very well by the papers I have formerly laid before you that the boundaries of this

his Majesties Province are now in dispute between the two Crowns of Great Britain & Spain, & as possession gives a right in this case, so abandoning what We have so many years is tacitly giving that Right away, the ill consequence of which is so plain to you all that I need not put you in mind of it

Gent<sup>n</sup>: I have already represented this affair fully to Great Britain in order to receive his Majesties Royal pleasure, in the meantime Gent<sup>n</sup>: I apply to you for assistance therein & I do (in his Majest<sup>s</sup>: name) desire that you will grant a loane of such a sum<sup>e</sup> of money as may be necessary to put that Garrison in some order of defence til I can receive further instructions about it.

Gent<sup>n</sup>: I shall now take the oppertunity to lay before you the Journal of Cap<sup>t</sup>: Fitch transactions amongst the Creek Indians & if you find anything material for your consideration in that affair in this short Session I am willing to join with you in it.

Council Chamber }

2<sup>d</sup> Febr<sup>y</sup>: 1725 ... }

Ar. Middleton

The s<sup>d</sup>: Speech being taken under consideration the following message was sent up by Mr: Allen & Cap<sup>t</sup>: Green.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

We thank you for the Speech you were pleased to make to us & for the concern you express for the necessity of calling us before the time to which We were prorogued, but when the interest of his Majesty & this Province which We Represent requires our attendance We shall at all times chearfully give it. We are under great concern for the late unhappy accident at Fort King George & wish it were in our power to give your Hon<sup>r</sup>: such advice as might tend to the service of his Majesty in this Conjuncture but as his Majesties Hon<sup>ble</sup>: Council cannot faile of giving you such advice We doubt not that your good Judgem<sup>t</sup>: therewith will determine you to act consistent with the great trust reposed in you It would be very agreeable to this house if you would be pleas'd to lay before us the account you have of this misfortune, the Instructions you have given thereupon, in what manner this affair is Stated to his Majesty & what expence it will require to do what you propose to be done to the same

Tho<sup>s</sup>: Broughton Speaker

The house adjourn'd til to morrow morning nine of the Clock

Thursday the 3<sup>d</sup> day of February 1725.

The house mett according to adjournment.

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the following message together with a letter from Liev<sup>t</sup>: Watts from Fort King George to the Presid<sup>t</sup>: & a copy of a letter from his Hon<sup>r</sup>: to his Excell<sup>y</sup>: Francis Nicholson Esq<sup>r</sup>: Govern<sup>r</sup>: concerning the unfortunate accident of burning Fort King George. Mr: Speaker & Gent<sup>n</sup>:

I herewith send you the Original letter I receiv'd from Liev<sup>t</sup>: Watt the Com'anding Officer at the Garrison at Fort King George by w<sup>ch</sup>: you will see how the accident has happened & the Condition the Soldiers are now in/

As General Nicholson is the Cap<sup>t</sup>: of the Company I thought it proper to send him the account of the misfortune that he might represent it to the proper place for releif & accordingly have sent a Copy of the letter to his Excell<sup>y</sup>: on this Subject. I have taken care (since the accident) to supply the Garrison with provisions Cloaths Bedds & Medicines & all that I now apply to you for is a necessary loane to build a place of defence, fitt for men to remain in til I can hear from Great Britain.

As to what I have wrote to the comanding Officer of the Garrison since the accident happen'd it has been only to assure them that I would take all possible care to supply them with necessities & to get some place of defence & proper houses to shelter themselves til I can receive an answer from Great Britain.

As to the expence it is my opinion that no less a Sum<sup>e</sup> than three thousand pounds of this Currency will be sufficient for this purpose, but leave that intirely to your own discretion and can only assure you that whatever you think necessary to grant it in this case, I will endeavour to see disposed with the utmost frugality, if there is anything I can further satisfie you in I am ready to do it. ——— .. ——— ..

Ar. Middleton.

To the above message to the President the following message was sent.

May it please your Hon<sup>r</sup>:

This house has read & taken under Consideration your Hon<sup>rs</sup>: message of this morning & the several letters you was pleas'd to lay before us & We take leave to acquaint, you that We are informed that his Majesty has a considerable Sum<sup>e</sup> of money

arrising from fines & forfeitures which may be sufficient to put the Garrison in a posture of defence & to make provision for lodging the men until his Majesties pleasure is signified upon this unhappy accident for which We are under the greatest concern imaginable.

Tho<sup>s</sup>: Broughton Speaker

Sent up by Mr: Whitaker and Capt: Raven.

The humble petition of Lawrence Coulliette late Clerk of the Crown & Clerk of the Peace & Clerk of the Supream & General Court of Pleas held in Charles Town to this house setting forth some Complaints concerning the manner of loosing his employment was read & taken under consideration & the house on the said petition came to the following Resolutions & order'd the said petition to be enter'd in the Journal.

Resolv'd that the selling of places relating to Courts of Justice is of the utmost ill Consequence to his Majesties Subjects in this Province & very much to the dishonour of his Majesty.

Resolv'd that the buying of places relating to the Administration of Justice is of very pernicious consequence to his Majesties Subjects

Order'd that Benja: Whitaker Esq<sup>r</sup>: a member of this house & one of the Com<sup>'</sup>tee of Correspondence do transmitt to his Excell<sup>y</sup>: Francis Nicholson Esq<sup>r</sup>: Gov<sup>r</sup>: the Original petition of Lawrence Coulliettee by the very first Oppertunity with the resolutions of this house thereupon.

To the Hon<sup>ble</sup>: Tho<sup>s</sup>: Broughton Esq<sup>r</sup>: Speaker & to the rest of the Hon<sup>ble</sup>: the Members of the Com<sup>'</sup>ons house of Assembly.

The humble petition of Lawrence Coulliettee late Clerk of the Crown & Clerk of the Peace & Clerk of the Supream and General Court of Pleas held in Charles Town——

Sheweth

That your petitioner was appointed in the above said places by his Excell<sup>y</sup>: Francis Nicholson Esq<sup>r</sup>: Govern<sup>r</sup>: of this Province & continued to act therein until the eleventh day of Jan<sup>ry</sup>: last past at which time the President Mr: Middleton sold the same to Mr: Childermass Croft for the Sum<sup>e</sup> of two hundred pounds current money paid down.

That how inconsiderable soever your petition<sup>r</sup>: may appear in his private Circumstances yet he conceives & is advised that the selling of places relating to the Administration of Justice is

a very heinous offence & greivous oppression to the Subject as well by the Com'on as the Statute Laws of England, & the persons receiving such moneys liable to serve penalties & the persons paying the same render'd incapaable of enjoying their places for which any moneys have been pay'd, & of what importance it is to the liberty & property of the Subject that such places ought not to be sold appears by the late judgem<sup>t</sup>: of the house of Peers of Great Britain against the Lord Macclesfield who was not only removed from his place of high Chancellour of England but fined thirty thousand pounds Stering & Comittee to the Tower til he pay'd the same.

That your petitioner knows not where to fly to for redress unless to this hon<sup>ble</sup>: house who have allways been ready to hear Complaints against & discourage all practices tending to destroy the rights Liberties & Properties of the people you represent

Wherefore your petitioner humbly prays your Hon<sup>rs</sup>: to take into Consideration his case & to grant him such releif therein as shall be agreeable to Law and Equity.

And Your Petitioner as in Duty bound shall ever pray &<sup>ca</sup>——  
Law. Coulliette/.

Mr: Sec<sup>ry</sup>: Hart brought from the President the following message.

Mr: Speaker & Gent<sup>n</sup>:

I am sorry to find by your message just now receiv'd that you are of opinion that the money arising by fines and forfeitures may be applyed to the uses you mention. There is of that money I beleive about a thousand or eleven hundred pounds when the whole can be collected in, but when that is done it is out of my power to make use of it the Right between his Majesty & the Lords Proprietors not being yet determin'd & I hope you will not advise me or his Majesties Council to do any act that may be prejudicial to us hereafter. Gent<sup>n</sup>: I do therefore again desire you will take this affair under your consideration & grant such a loane as is absolutely necessary for the Support of the Garrison & I make no doubt but as the same has been establish'd by his Majesties bounty & goodness so We shall be reimbursed whatsoever shall be thought proper to be advanced by you upon this emergency.

3<sup>d</sup> Febr<sup>y</sup>: 1725.

Ar. Middleton

May it please y<sup>r</sup>: Hon<sup>r</sup>:

We have consider'd your Hon<sup>rs</sup>: last message by M<sup>r</sup>: Sec<sup>ry</sup>: Hart & since you do not think proper to make use of the King's fines & forfeitures in this emergency as the Govern<sup>r</sup>: & Council have heretofore done on other occasions We cannot think of any other expedient than for the commanding officer of Fort King George to draw Bills on proper persons in Great Britain for as much money as is necessary to answer the expence about the said Fort and We make no doubt but the bills will be punctually paid.

Tho<sup>s</sup>: Broughton Speaker

The above message sent up by Coll<sup>o</sup>: Herbert & M<sup>r</sup>: William Cattle

The house adjourn'd till two of the Clock in the afternoon

The house mett according to adjournment.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from the Presid<sup>t</sup>: the following message

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

In answer to your last message by Coll<sup>o</sup>: Herbert & M<sup>r</sup>: Cattle wherein you propose that the commanding officer at Fort King George shall draw bills on proper persons in Great Britain for as much money as will be necessary to answer the expence of building the same.

I am of opinion that he has no power so to do neither do I beleive that he will find persons in this Province who would advance money on the Credit of such bills & as the Generall Assembly (upon his Excell<sup>y</sup>: M<sup>r</sup>: Nicholson's going to Great Britain) did apply to him to use his interest for obtaining another Independent company, We leave you to judge what success he may be like to have in such an application when it is known how little care is taken of this We have already, by refusing a Loan for the building necessary Barracks to shelter the men from the weather after such a deplorable accident until Orders can arrive from Great Britain.

I thought it my Duty to lay this before you in the manner I have done that it may appear nothing has been wanting on my part.

3<sup>d</sup>: Febr<sup>y</sup>: 1725.

Ar: Middleton

And to the the above message the following answer sent by Cap<sup>t</sup>: Bond & M<sup>r</sup>: Mairant.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

In answer to your Hon<sup>rs</sup>: message We cannot but be of Opinion that the Commanding Officer of Fort King George has power to draw bills for England for the support & maintenance of the Soldiers belonging to that Garrison, but as there may a difficulty arise in promissing current money for such Bills so We are at a loss to determine that point.

As your Hon<sup>r</sup>: was pleas'd to convene us for our advice as well as assistance in this affair, We have given what We thought proper & if the methods We have proposed are not deem'd feaseble We think there can be but one left to support his Majesties Forces under this Exigency, the money now lying in the Treasurers hands to be burnt.

Tho<sup>s</sup>: Broughton Speaker

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the following message.

Mr: Speaker & Gent<sup>n</sup>:

The method proposed in your last message to support his Majesties forces under this Exigency, I am ready to agree to, by applying such a Sum' (out of the money in the Treasurers hands to be sunk) as you shall judge proper but at the same time must Recomend to you, that both houses may join in a Resolution to supply that dificiency in the ordinary way that has been hitherto taken for sinking of bills.

3<sup>d</sup> Feb<sup>ry</sup>: 1725

Ar: Middleton

And then the following message was sent up by Mr: Rhett and Cap<sup>t</sup>: Seabrook.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

In answer to your Hon<sup>rs</sup>: message just now received by Mr Sec<sup>ry</sup>: Hart this house is ready to concurr with your Hon<sup>r</sup>: & his Majesties Council in appropriating two thousand pounds of the bills now in the Treasury to be burnt to make the necessary Security & Convenience for his Majesties Officers & Soldiers at Alatomahaw upon this unhappy occasion provided so much is necessary, & to have that Sum' burnt according to Law when his Majesty repays the same upon bills of Exchange to be drawn by your Hon<sup>r</sup>: upon the proper Office in Great Britain for that purpose.

Tho<sup>s</sup>: Broughton Speaker

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President the following message.

Mr: Speaker & Gent<sup>n</sup>:

In answer to your last message by Mr: Rhett & Mr: Seabrook, I am ready to Concurr in y<sup>r</sup>: proposal & desire the same may be passed by an Ordinance for the greater dispatch of this affair.  
3<sup>d</sup> Febr<sup>ry</sup>., 1725.

Ar. Middleton——

Mr: Sec<sup>ry</sup> Hart brought from his Majesties Hon<sup>ble</sup>: Council the following message together with the petition of the Inhabitants of that part of the Parish of St: James Goose Creek com<sup>only</sup> called Wassumsaw.

Mr: Speak<sup>r</sup>: & Gent<sup>n</sup>:

We were in hopes that no other business would have been laid before you than what was Recomend<sup>d</sup> in his Hon<sup>r</sup>: the President's Speech but at the request of two of his Majesties Hon<sup>ble</sup>: Council who were concern'd in this petition We have thought fitt to send the same for you to take under your Consideration if you think proper thô We think it will be an endless piece of work for the general Assembly to Contenance any set of people to complain ag<sup>t</sup>: such persons as are entrusted with the putting in execution the Laws of this Province for acting pursuant to the same.

3<sup>d</sup> Febr<sup>ry</sup>: 1725.

Sign'd by order of the Council.

Ralph Izard.

The afores<sup>d</sup>: petition of the Inhabitants of Wassumsaw was read & Order'd to lye upon the table.

Order'd that the Clerk of this house do prepare an Ordinance against to morrow morning for supplying his Majesty with two thousand pounds for providing the necessary security & defence of his Majesties forces at Fort King George.

The house adjourn'd til to morrow morning nine of the Clock

Friday morning the 4<sup>th</sup> day of Febr<sup>ry</sup>: 1725.

The house mett according to adjournment.

The Clerk according to order laid before the house an Ordinance of the General Assembly w<sup>ch</sup>: was read the first time & past with amendments.

The house order'd Cap<sup>t</sup>: Fitch's Journal to the Creeks to be read & the same being read & the house perfectly satisfied with



the Conduct of the s<sup>d</sup>: Cap<sup>t</sup>: Fitch & finding that he had acquitted himselfe Honourable of the trust reposed in him, Order'd that the thanks of the house be return'd to the s<sup>d</sup>:

Cap<sup>t</sup>: Fitch for the same.

And the Speaker return'd him the thanks of the house accordingly.

Mr: Sec<sup>y</sup>: Hart brought from his Hon<sup>r</sup>: the President the following message together with the Ordinance of the General Assembly read in Council the first time & past with amendments. ——— .. ——— .. ———

Mr: Speaker and Gent<sup>n</sup>:

I send you down the Ordinance passed the first time by his Majesties Hon<sup>ble</sup>: Council and I do assure you that no other reasons but what you have therein given should have induced me to pass it notwithstanding the different Construction & hard reflection that was cast by one of your members on the message I yesterday sent you wherein I told you I was willing to Comply with the method you proposed.

As to any other unreasonable votes & reflections of your house I shall take care to clear myselfe of them in Great Britain to those to whom I am answerable.

I thought I might have received better treatment from the Gent<sup>n</sup>: who have so long known me & after so much of my time and money spent in the Publick service of my Country & with credit as I have allways thought, & I am not Conscious to my selfe that I have done any other-ways now.

4<sup>th</sup> Febr<sup>y</sup>: 1725.

Ar. Middleton.

And on motion the following Gent<sup>n</sup>: were appointed to draw an answer to the above message Mr: John Lloyd Mr: Whitaker & Mr: Allen.

The Ordinance was read a second & third time & past & sent up by Cap<sup>t</sup>: Butler and Cap<sup>t</sup>: Nicholls.

The said Ordinance was brought down from his Majesties Council read in Council the second and third time.

Order'd. that the said Ordinance be ingrosed.

Benj<sup>a</sup>., Whitaker Esq<sup>r</sup>. from the Com<sup>'</sup>tee appointed to draw an answer to the message from the President reported the following which was read and Order'd to be ingrosed.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

The message just now receiv'd from your Hon<sup>r</sup>: by M<sup>r</sup>: Sec<sup>ry</sup>: Hart with the Ordinance is of such an extraordinary nature as makes it necessary for this house to take..... very particular notice of it.

If any reflections had been made upon your messages that were unjust & inconsistent with the liberty of speech that is allowed in a Com<sup>'</sup>ons house of Assembly, the members that made them, would have been brought to order, but you may depend upon it, that We shall allow nobody but our selves to be judges of our debates.

We are of Opinion that the resolutions of our house w<sup>ch</sup>: you judge unreasonable are founded on the Strictest justice & that you may be the better able to give your judgem<sup>t</sup>: We send you the same herewith with a copy of the petition that was the foundation of them.

This house esteems the the selling of places relating to the Administration of Justice to be a very great grievance & oppression on the people they represent & shall never faile to shew their just resentment against the authors of those & all other publick misfortunes.——

We do allow that you have spent as much of your time in the Publick service as the rest of the members of his Majesties Hon<sup>ble</sup>: Council & that since your accession to the Presidentship you have spent a little more money but since your Hon<sup>r</sup>: puts it upon us, We begg leave to put you in mind that the advantage it has brought you has given you no reason to repent it.

Thos<sup>s</sup>: Broughton Speaker.

The above message was sent up by M<sup>r</sup>: Allen & M<sup>r</sup>: Barton.

The house adjourn'd til three of the Clock in the afternoon

The house mett according to adjournment.

The ingrossed Ordinance of the General Assembly. being laid before the house it was examin'd & M<sup>r</sup>: Allen & Cap<sup>t</sup>: Dry were directed to carry it to the Council in order to have the broad Seal affixed thereto, they were also directed to carry up Cap<sup>t</sup>: Fitch's Journal to the Creeks & to acquaint his Majesties Hon<sup>ble</sup>: Council that the thanks of the house was given him for so handsomly discharging the trust reposed in him on his expedition to the Creek nation.

On motion made by a Member of this house Order'd that the Petitioners from the Wassumisaw have leave to withdraw their petition

Mr: Sec<sup>ry</sup>: Hart acquainted the house that his Hon<sup>r</sup>: the President required their attendance immediately to Rattifie The Speaker & the whole house waited on the President to Rattifie & after rattifying the Ordinance his Hon<sup>r</sup>: the President was pleas'd to prorogue the Assembly until the third Tuesday in March next. ———

Munday the 25<sup>th</sup> day of April 1726.

The members following met according to his Hon<sup>r</sup>: the Presid<sup>ts</sup>: proclamation.

Mr: Eleaz<sup>r</sup>: Allen

Mr: Hume

Mr: Thomas Barton

Cap<sup>t</sup>: Tobias Fitch

Maj<sup>r</sup>: Hugh Hext

Cap<sup>t</sup>: Daniel Green

Mr: John Ashby

Cap<sup>t</sup>: Henry Nicholls

The hon<sup>ble</sup>: Mr: Speaker: not being present Mr: Tho<sup>s</sup>: Barton was chosen Chairman who adjourn'd the house til to morrow morning nine of the Clock

Tuesday the 26<sup>th</sup> day of April 1726.

The house mett according to adjournment.

Order'd that all the absent members be forthwith sent for to attend the service of the house.

Walter Izard Esq<sup>r</sup>: & Cap<sup>t</sup>: Henry Nicholls were order'd to acq<sup>t</sup>: the President that the house was mett according to his Honours Proclamation.

The house being inform'd that Mr: Tho<sup>s</sup>: Smith who was return'd to serve as a Member of this house for the parish of St: James Santee waited without, he was sent for up & being asked if he was willing to quallifie declared he was ready. Mr: Roger Moore & Mr: Tho<sup>s</sup>: Barton were then directed to go with him to the Council Chamber & be present at his taking the State Oaths & being return'd they acquainted the house that Mr: Smith had taken the State Oaths before his Hon<sup>r</sup>: the Presid<sup>t</sup>: & Mr: Smith being called in Benj<sup>a</sup>: Whitaker Esq<sup>r</sup>: was Order'd to administer to the s<sup>d</sup>: Mr: Smith the Oath of Quallification of a Member of this house, & having taken the s<sup>d</sup>: Oath he took his place in the house accordingly.

The messenger informing the house that going to the house of Cap<sup>t</sup>: Maurice Harvey the Provost Marshall to Sum'ons Cap<sup>t</sup>: Rich<sup>d</sup>: Smith to attend the service of the house the s<sup>d</sup>: Cap<sup>t</sup>:

Harvey acquainted him that Cap<sup>t</sup>: Smith was in his Custody & lock'd up & that he could not let him go unless the house would Order the Doors to be open'd, & some debates arose on the Confinem<sup>t</sup>: of the s<sup>d</sup>: Cap<sup>t</sup>: Smith but the house being inform'd that Mr: Sec<sup>ry</sup>: Hart waited without with a message the debates were postponed and Mr: Sec<sup>ry</sup>: being admitted he acquainted the house that his Hon<sup>r</sup>: the President required the attendance of the house in the Council Chamber immediately.

The house waited on the President in the Council Chamber & being return'd he lay'd before the house a Speech which his Hon<sup>r</sup>: the President had be pleas'd to make to the house w<sup>ch</sup>: for fear of being mistaken he had Obtain'd a Copy of & he laid before the house several papers which the President had deliver'd to him at the same time.

Mr: Speaker & Gent<sup>n</sup>:

I should not have called you together at this unseasonable time of the year did not the necessity of our affairs amongst the Creek Indians require it, The inform<sup>a</sup>ons that I have /a few days since/rec'd from those parts are of such a nature & of so much Consequence to the quiet & safety of this his Majesties Province that it will require your maturest thoughts & the quickest dispatch to put a Stop to the evil endeavours of our enemies, I need not put you in mind of the deplorable consequence of an Indian Warr, the effects of that We have allredy felt not being yet wore out of our minds; I therefore desire you will consider of such means w<sup>ch</sup>: /by the blessing of God/ may put the quickest Stop to it, I shall be allways ready with his Majesties Hon<sup>ble</sup>: Council to advise with you & forward every thing to the utmost of our power.

Gent<sup>n</sup>.

Should We be so unhappy to have a Rupture with those Indians I hope you will enable me im'ediately to assist & defend our Out Settlements on the other side of Pon Pon & other parts til such time as the Province in general can be put into a posture of defence, This Gentleman I think to be absolutely necessary for those parts of the Country that I have mention'd to you are very much exposed & may im'ediately suffer.

Gent<sup>n</sup>

I think it my duty to put you mind that the time of the limitation in the duty Act is expired, & as you know what Orders

there are from his Majesty on that affair so it is all our duties to Comply with them.

This Gentlemen is what I have (by the advice of his Majesties Council) thought fitt to lay before you together with what papers I have receiv'd relating to this matter which I now give you and I hope you will give it the quickest dispatch & make the Sessions as short as possible.

April 26<sup>th</sup>. 1726.

#### Ar Middleton

And the s<sup>d</sup>: Speech being read together with the s<sup>d</sup>: papers The following Com'ittee were appointed to draw an Adress to his Hon<sup>r</sup>: the President in answer to his Speech Cap<sup>t</sup>: William Dry M<sup>r</sup>: Thomas Barton & Cap<sup>t</sup>: Jacob Bond.

& the following Members were appointed a Com'ittee to take under Consideration the several papers relating to the Indian Affairs Viz<sup>t</sup>: Coll<sup>o</sup>: Fenwick Coll<sup>o</sup>: Chicken M<sup>r</sup>: Lloyd M<sup>r</sup>: George Smith & M<sup>r</sup>: Allen & Cap<sup>t</sup>: Tobias Fitch.

The messenger being order'd to go to Cap<sup>t</sup>: Smith & to tell him that he was Order'd to Sum'ons him as an Absent Member to attend the service of the house & being return'd he acquainted the house that Cap<sup>t</sup>: Smith told him he could not attend without the Consent of M<sup>r</sup>: Harvey & that he the s<sup>d</sup>: Cap<sup>t</sup>: Smith had told Cap<sup>t</sup>: Harvey that he was sum'oned to attend the service of this house, & that the s<sup>d</sup>: Cap<sup>t</sup>: Harvey made Answer he could not let him go.

Order'd that Cap<sup>t</sup>: Rich<sup>d</sup>: Smith a Member of this house now in the Custody of the Marshall do forthwith attend the service thereof & that M<sup>r</sup>: Speaker do sign this order.

Cap<sup>t</sup>: William Dry from the Com'ittee appointed to draw an address to his Hon<sup>r</sup>: the President in answer to his Speech to this house of this day reported the said Address w<sup>ch</sup>: being read & some amendm<sup>ts</sup>: being made thereto it was Order'd to be ingrossed & is a follows.

To the Hon<sup>ble</sup>: Arthur Middleton Esq<sup>r</sup>: President & Comandr: in Cheif in & Over his Majesties Province of South Carolina &<sup>ca</sup>: May it please your Hon<sup>r</sup>:

In answer to your Hon<sup>rs</sup>: Speech of this day We take leave to assure you we are both ready & willing to join your Hon<sup>r</sup>: & his Majesties Hon<sup>ble</sup>: Council in taking such measures as shall be thought necessary for the Security & wellfare of this Province.

And that this Session may not be prolonged at so unseasonable a time of the year, We shall Chearfully Contribute what in us lyes to the quickest dispatch of the business now before us.

Tho<sup>s</sup>: Broughton Speaker.

Mr: Barton & Cap<sup>t</sup>: Nicholls were Order'd to desire the President to let the house know when he would be pleas'd to receive the address of the house & those Gentlem<sup>n</sup>: being return'd they acquainted the house that his Hon<sup>r</sup>: say'd he would send for them presently. Mr: Sec<sup>ry</sup>: Hart acquainted the house that his Hon<sup>r</sup>: was ready to receive their address.

The Speaker & the house waited on the President with the address of this house.

The following message was Order'd to be sent to his Majesties Hon<sup>ble</sup>: Council.

Hon<sup>ble</sup>: Gent<sup>n</sup>:

This house having appointed a Com<sup>'</sup>tee on Indian affairs, We desire Your Hon<sup>r</sup>: will appoint a Com<sup>'</sup>tee of his Majesties Hon<sup>ble</sup>: Council to meet our Com<sup>'</sup>tee on that affair this afternoon that the Report may be made as soon as possible.

Tho<sup>s</sup>: Broughton Speaker

The messenger laid before the house a letter from Cap<sup>t</sup>: Rich<sup>d</sup>: Smith in Custody of the Marshall which the s<sup>d</sup>: Cap<sup>t</sup>: Smith deliver'd to him when he went with the Order to the s<sup>d</sup>: Cap<sup>t</sup>: Smith directing him to attend.

The house adjourn'd til three of the Clock in the afternoon

The house mett according to adjournment.

Mr: Sec<sup>ry</sup>: Hart acquainted the house that the Com<sup>'</sup>tee of the Council were ready to meet the Com<sup>'</sup>tee of this house.

The house resuming the debate on the affair of Cap<sup>t</sup>: Rich<sup>d</sup>: Smith

Order'd that Cap<sup>t</sup>: Maurice Harvey Provost Marshall do im<sup>'</sup>ediately suffer Cap<sup>t</sup>: Rich<sup>d</sup>: Smith a Member of this house now in his Custody to attend the Service of the house and that Mr: Speaker do sign this Order.

The messenger was Order'd to serve the above Order on Cap<sup>t</sup>: Maurice Harvey the Provost Marshal.

The messenger being return'd acquainted the house that he shewed the Original Order to the Provost Marshal & served him

with a Copy thereof, & that the s<sup>d</sup>: Cap<sup>t</sup>: Harvey gave him for Answer that by the nature of his Oath he was Obliged to keep Captain Smith in his Custody.

Order'd that John Brown Gent<sup>n</sup>: Messenger of this house do im'ediately take into Custody the body of Captain Maurice Harvey Provost Marshall for refusing to pay Obedience to an Order of this house of this days date served on him by the afores<sup>d</sup>: Messenger & that the s<sup>d</sup>: Maurice Harvey remain in Custody as afores<sup>d</sup>: until further Order from this house & that M<sup>r</sup>: Speaker do Sign this Order.——

M<sup>r</sup>: Eleaz<sup>r</sup>: Allen from the Com<sup>'</sup>ittee appointed to inspect into the papers relating to the Indian affairs made the following Report

The Com<sup>'</sup>ittee appointed to examine the several papers relating to the Creek Indians &ca: do Report

That it is the opinion of your Com<sup>'</sup>ittee that a person be forthw<sup>th</sup>: sent to the upper Creeks with such directions as shall be thought necessary in order to keep them firm to our interest & that in the mean time a Vote of Credit do pass both houses, for a Sum' of money sufficient to raise a certain Number of men to go ag<sup>t</sup>: Cherikee Lee-chee's town in case the upper Creeks should give us reason to beleive they will join us in that expedition.

That some notice ought to be taken of the insult com<sup>'</sup>itted by the Cheerokees on Miles Mc<sup>'</sup>intosh & his people by taking away his Skins &ca: that they as well as the Creeks be told that unless they forbear such insults We must discontinue the trade.

On considering the late Ravage made by the Tuscaroras on our neighbouring Indians it is the opinion of the Com<sup>'</sup>ittee that a letter be sent to the Governm<sup>t</sup>: of New York informing them that the Tuscaroros has killed several of our friendly Indians even within our Settlem<sup>ts</sup>: & that under the name of Sennecas, that they would take some measures to prevent the like for the future, That a letter be likewise sent to the Governm<sup>t</sup>: of North Carolina with proper Representations on that head.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the Presid<sup>t</sup>: the following message.

M<sup>r</sup>: Speaker and Gent<sup>n</sup>:

We agree to the Report of the Com<sup>'</sup>ittee of both houses relating to the Indian affairs excepting the first article for, We are

of Opinion that such a design ought to be carryed on with all the Secrecy imaginable which We apprehend cannot be done except some part of the men go up immediately with the person intended to be sent to transact the affairs of this Province with the Creek Indians & the remainder to be ready at the Savanna Garrison to march upon the first notice from the person so appointed.

26<sup>th</sup> April 1726.

Ar, Middleton.

Cap<sup>t</sup>: William Dry Mr: Geo: Smith & Mr: William Rhett were appointed a Com<sup>it</sup>tee to search Presidents concerning the priviledges of this house & to report their opinion on Captain Smith Affair.

The house adjourn'd til to morrow morning nine of the Clock

Wednesday the 27<sup>th</sup> day of April 1726.

The house mett according to adjournment.

Mr: William Rhett from the Com<sup>it</sup>tee appointed to search presid<sup>ts</sup>: concerning the Priviledge of Parliam<sup>ts</sup>: & to Report their opinion of the case of Cap<sup>t</sup>: Smith a member of this house now in Custody of the Provost Marshall having acquainted the house that they were ready to make their Report if the house would please to receive the same & being directed to make the same he read it in his place & then deliver'd it in at the table. Order'd that the s<sup>d</sup>: Report do lye upon the table.

Mr: Speaker informed the house that a letter lay upon the table directed to the house w<sup>ch</sup>: by order being read appeared to be from Cap<sup>t</sup>: Rich<sup>d</sup>: Smith praying leave to wave his priviledge in the words following.

Mr: Speaker & Gent<sup>n</sup>: I am under great concern that my affair should give the Hon<sup>ble</sup>: house so much trouble; having had the Hon<sup>r</sup>: to sit in the house of Comons some years, I thought it was not Consistant with my duty to receed from the Orders of the house for my attendance when you thought your priviledges concern'd, but if the the house pleases to indulge me, I pray I may have liberty to wave my Priviledges; It has been the misfortune of many honest men to fall under misfortunes by Publick Calamitys w<sup>ch</sup>: is my case, but since I thank God my circumstances are such that I can give all my Creditors Ample satisfaction I would acquit my selfe to them & to all the world like a man of Honour, & had I came to the house my intention was



to have desired the same indulgence w<sup>ch</sup>: is now prayed by y<sup>r</sup> Hon<sup>rs</sup>:

April 27<sup>th</sup>. 1726.

Most Obed<sup>t</sup>: Serv<sup>t</sup>:

Rich<sup>d</sup>: Smith

And the question being put upon reading the s<sup>d</sup>: letter whether the s<sup>d</sup>: Cap<sup>t</sup>: Richard Smith should have leave according to the prayer in his s<sup>d</sup>: letter to wave his priviledges as a Member of this house.

It was carryed in the affirmative  
The house adjourn'd til two of the Clock in the afternoon

The house mett according to adjournment:

The bill for Reviving several Acts therein mention'd was laid according to order before the house which was read the first time & past with amendments & sent up by Maj<sup>r</sup> Hepworth & Maj<sup>r</sup>., Hext.

The s<sup>d</sup>: bill for Revising several Acts therein mention'd was brought from the Council by M<sup>r</sup>: Sec<sup>ry</sup> Hart read the first time & past in Council with Amendments.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from the Hon<sup>ble</sup>: the Presid<sup>t</sup>: the following message.

M<sup>r</sup>: Speaker & Gent<sup>n</sup>.

We sent you a message yesterday relating to the Report of the Com<sup>it</sup>tee on Indian Affairs, We should be glad to know what progress has been made by you therein that We may come to some conclusion in a matter of so great consequence.

27<sup>th</sup> April 1726.

Arthur Middleton

M<sup>r</sup>: Speaker laid before the house a Letter from Cap<sup>t</sup>: Tobias Fitch directed to the Speaker & the house begging leave to wave his priviledges of sitting as a member of Assembly;

The house Ordering the said Letter to be read

The messenger was Order'd im<sup>e</sup>diately to Sum'on Cap<sup>t</sup>: Fitch to attend the service of the house.

The messenger being return'd informed the house that when he was discover'd near the house of the said Cap<sup>t</sup>: Fitch, the Chamber doors & Windows were im<sup>e</sup>diately Shut, he went into the Hall & asked for the s<sup>d</sup>: Cap<sup>t</sup>: Fitch, that a Gent<sup>n</sup>. came out of the door & inform'd the messenger that Cap<sup>t</sup>: Fitch was going to Goose Creek & that he was going im<sup>e</sup>diately, that he then went to the Chamber door & knocked at it & enquired if

Cap<sup>t</sup>: Fitch was there, receiving no answer, he publicly declared that the s<sup>d</sup>: Cap<sup>t</sup>: Fitch was order'd to attend the Service of the house im'ediately, upon w<sup>ch</sup>: information of the messenger, The Question was put whether the s<sup>d</sup>: Cap<sup>t</sup>: Fitch should be taken into Custody of the messenger of this house for writing the aforesaid Letter.

Carryed in the Negative.

The question was put if the s<sup>d</sup>: letter should be enter'd in the Journal

Carryed in the Negative

The question was then put if the s<sup>d</sup>: Cap<sup>t</sup> Fitch for writing the letter aforesaid should be expell'd the house

Carryed in the Negative

And then the question was put whether the s<sup>d</sup>: Cap<sup>t</sup>: Fitch should be sum'oned by Order of this house sign'd by the Speaker im'ediately to attend the service of this house & that a man & horse be sent to him with the said Order by the messenger at the expence of the said Cap<sup>t</sup>: Fitch.

Carryed in the affirmative

Order'd that John Brown Gent<sup>n</sup>: do imediately Sum'on Cap<sup>t</sup>: Tobias Fitch a Member of this house to attend the service thereof that the charge & expence of the said Sum'ons be bore by the s<sup>d</sup>: Cap<sup>t</sup>: Fitch & that Mr: Speaker do sign this Order.

The house took under Consideration the Report of the Com'ittee on Indian affairs & having made some additions thereto the following message was Order'd to be sent.

May it please y<sup>r</sup> Hon<sup>r</sup>:

The house has taken under consideration the Report of the Com'ittee appointed to inspect the papers relating to the Indian affairs & to Report their opinion thereon, the first paragraph of which Report the house does not agree with because by Sleigh's Journal the upper Creeks may be expected down in a Week. The second is agreed to, as also the third with some additions which you receive herewith

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>:

The above message sent up by Maj<sup>r</sup>: Hepword and Cap<sup>t</sup>: Bond. A Letter from Francis Yonge Esq<sup>r</sup>: Agent in Great Britain to the Committee of Correspondence together with an Acc<sup>t</sup>: from Kingsmill Eyre Esq<sup>r</sup>: of the disposal of the money receiv'd by him

on account of Fort King George was comitted to the Com'ittee of Correspondence to Report their Opinion on the s<sup>d</sup>: Letter and account.

The house adjourn'd till to morrow morning eight of the Clock

Thursday the 28<sup>th</sup> day of April 1726.

The house mett according to adjournment.

Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the Presid<sup>t</sup>: & from Majest<sup>s</sup>: Hon<sup>ble</sup>: Council the two following Messages.

Mr: Speak<sup>r</sup>: & Gent<sup>n</sup>:

I am sorry to find by your message of last night that you are of Opinion there is no occasion to send any person to the Creeks, I assure you it is my thoughts that it is im<sup>e</sup>diately necessary to send up a proper person to put a Stop to the ill designes of our Enemies & to make our friends easy til such time as We can take more proper measures.

As the Indian Affairs was the only motive for calling you at this unseasonable time so I hope you will & I earnestly press you to take it again under your Consideration to do something for the safety of the Country before you break up.

Maj<sup>r</sup>: Durham has wrote me word that he will leave the Garrison but I believe if his pay was advanced (as indeed I think it ought) it being much too little for so good an officer it would induce him to keep his post, I lay before you also to consider of the private men who are also very uneasy & for leaving the Garrison

Ar. Middleton

Mr: Speak<sup>r</sup>: & Gent<sup>n</sup>:

In answer to your message last night receiv'd, We are Sorry to find that you do not agree in opinion with us, that it is of the utmost Consequence to this Province at this juncture, to send a proper person to the upper Creeks in order to prevent (in time) the evil insinuations of the French and Spaniards amongst the lower people & to keep the upper people steadfast in the interest of this Government, for should any accident happen which you now seem not to apprehend nor prepare ag<sup>t</sup>: by not agreeing to the first paragraph of the Report of both houses, you will then have more difficulty to find means to make up the breach than now prevent it.

As to the Indians coming down We have not now so much reason to expect as heretofore, but were they here present We are

of opinion it is much better treating with them amongst themselves in their own Towns than in our settlements; for whatever proposals have been agreed to heretofore by those who have come among us, they have excused themselves from performing, by saying their head men, had disapproved them upon their return.

We must again repeat that We are so convinced of the necessity of sending a person amongst them, that were the upper Creeks (that are expected) now in Charles town, We still should look upon it that the safety of this Country required a person to be in their nation to keep them firm in our interest.

As all delays are dangerous so especially that of neglecting to send a person forthwith amongst the Indians to undeceive them at this juncture seems to us to be of the last consequence.

This Gent<sup>n</sup>:

As We are highly concern'd for the interest & safety of this Province We have thought proper, once more, to lay before you for your further consideration, & if it should so happen that you do Stil continue to differ in opinion with us in apprehending the danger of such delay, by relying on the uncertainty of the upper Creeks coming down, We must rest sattisfied, if any ill consequence happens) that We have done our best endeavours to discharge our duty.

Ra. Izard.

The above messages was read & being taken under consideration The following message was order'd to be sent to his Majesties Honour<sup>ble</sup>: Council.

May it please y<sup>r</sup>: Hon<sup>rs</sup>:

The house having read & taken under consideration the message from his Hon<sup>r</sup>: the President & that from his Majesties Hon<sup>ble</sup>: Council of this morning, & as We esteem the affairs of the Indians to be of the last consequence to this Province, We are of opinion that they ought to be further discuss'd & therefore desire that there may be a Conference & on the Subject matter of the afores<sup>d</sup>: messages and We have appointed a Committee of this house to meet one of his Majestie's Hon<sup>ble</sup>: Council which We pray may be appointed for that purpose;

Tho<sup>s</sup>: Broughton Speaker.

The above message sent up by M<sup>r</sup>: Allen & Cap<sup>t</sup>: Saunders.

The house adjourn'd til two of the clock in the afternoon.

The house mett according to adjournment.

On motion the Question was put whether his Hon<sup>r</sup>: the President should be addressed to Order the Marshall to let Cap<sup>t</sup>: Smith be at liberty to attend the house

Carryed in the Negative.

The bil to Revive & Continue the several Acts therein mention'd was read the second time & past with amendments & sent up by Cap<sup>t</sup>: Bond & Cap<sup>t</sup>: Raven.

The Humble Memorial and Representation of James Watt Liev<sup>t</sup>: of his Majesties Independent Company at Fort King George and the Humble Petition of Liev<sup>t</sup>: James Watt was also referr'd to the following Com<sup>'</sup>ittee.

Order'd that the Com<sup>'</sup>iss<sup>rs</sup>: for Stamping & signing the Current Bills of Credit do lay before this house to morrow morning an account of how much money is remaining in their hands unexchanged.

Mr: Eleaz<sup>r</sup>: Allen from the Com<sup>'</sup>ittee appointed to Conferr on Indian affairs made the following Report.

The Com<sup>'</sup>ittee appointed to Conferr with a Com<sup>'</sup>ittee of his Majesties Hon<sup>ble</sup>: Council upon the Subject matter of a message from his Honour the President & another from the Council do Report.

That it is the Opinion of the Com<sup>'</sup>ittee that two persons be im<sup>'</sup>ediately dispatch'd, the one to the upper Creeks & the other to the Cherokees with proper Instructions in order to mediate a peace between those two Nations & for that purpose to induce them to meet the Govern<sup>r</sup>: or Comander in Cheif of this Province at Fort Moore, there to Conclude upon it; That it be an Instruction to the person going to the upper Creeks to endeavour as much as in him lyes to remove the prejudices the lower Creeks have entertain'd of this Government that We have been assisting in the Warr between the Cherokees & them, That the Presid<sup>t</sup>: do write to Maj<sup>r</sup>: Durham promissing some greater encouragem<sup>t</sup>: for his serve than at present he has, this being not a proper time for the Consideration of that affair, & that Maj<sup>r</sup>: Durham do inform the Soldiers of Fort Moore that in case they stay there six Months longer they shall be discharged or receive twenty shillings p<sup>r</sup> month additional Wages.

Order'd that Mr: Rhett Cap<sup>t</sup>: Broughton Cap<sup>t</sup>: Bond and Mr: Barton the former Com<sup>'</sup>ittee of Petitions be a Com<sup>'</sup>ittee to inspect into the memorial & Petition of Liev<sup>t</sup>: James Watt.

May it please y<sup>r</sup> Hon<sup>r</sup>:

The house having read & taken under Consideration the Report of our Com<sup>'</sup>tee of Conference do agree to the same & desire the Concurrence of his Majesties Hon<sup>ble</sup>: Council therewith.

The house having also read & Consider'd the memorial and Representation of Liev<sup>t</sup>: James Watt & also his Petition have referr'd them both to a Com<sup>'</sup>tee & desire a . . . Com<sup>'</sup>tee of his Majest<sup>s</sup>: Hon<sup>ble</sup>: Council may be appointed to meet our Com<sup>'</sup>tee on that affair.

Thos: Broughton Speak<sup>r</sup>:

The above message sent up by Mr: Barton and Cap<sup>t</sup>: Raven.

Order'd that the Clerk do prepare & lay before the house at the next meeting thereof a Bill for ascertaining the Privilege of the Members of the Com<sup>'</sup>ons house of Assembly—

Order'd that Mr: Whitaker Coll<sup>o</sup>: Palmer & Cap<sup>t</sup>: Green be a Com<sup>'</sup>tee to inspect into the Corruptions in the Scout Boats Mr: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the Presid<sup>t</sup>: the following message.

Mr: Speaker & Gent<sup>n</sup>:

Pursuant to your message just now receiv'd by Mr: Barton and Mr: Raven, We concurr with you in the Report of the Com<sup>'</sup>tee of Conference on the Indian affairs brought to us therew<sup>th</sup>: & desire you will think of proper persons to go to each nation with proper instructions for the purposes in the s<sup>d</sup>: Report mentioned & that a Com<sup>'</sup>tee of both houses be appointed accordingly.

28<sup>th</sup> April 1726.

Arthur Middleton.

The Com<sup>'</sup>tee on Indian affairs was order'd to meet the Com<sup>'</sup>tee of his Majesties Hon<sup>ble</sup>: Council & to take under their consideration the above message from his Hon<sup>r</sup>: the President.

The house adjourn'd til to morrow morning nine of the Clock

Friday the 29<sup>th</sup> day of April 1726.

The house mett according to adjournment.

Coll<sup>o</sup>: John Fenwicke from the Com<sup>'</sup>tee appointed to draw instructions to the persons going to the Creeks & Cherokees reported the said instructions.

Resolv'd that the persons going to the Creeks & Cherokees shall be allowed out of the Publick Treasury of this Province

each of them the Sum' of four pounds 5<sup>p</sup> day from the time of their going out to their return

Mr: Rhett from the Com'ittee appointed to take under consideration the memorial & Petition of Liev<sup>t</sup>: James Watt made the following Report on the s<sup>d</sup>: memorial & Petition.

The Com'ittee to whom the memorial & Representation as also a petition of James Watt Gent<sup>n</sup>: Liev<sup>t</sup>: of his Majestie's Independent Company at Fort King George was referr'd do Report as follows.

First the memorial & Representation sets forth that the Soldiers of the Garrison belonging to Fort King George after the s<sup>d</sup>: Fort was burnt were a long time exposed to great hardships for want of Shelter nor could they be prevailed on to erect any Hutts or do any works towards defending themselves or securing the Stores &<sup>ca</sup>: that were saved from the fire until the s<sup>d</sup>: Liev<sup>t</sup>: Watt promised them they should be paid in the same manner as is Customary in the Army on the like occasion. That there is an absolute necessity to run a line of Pallisadoes to make such part of the Fort that remains defenceible w<sup>ch</sup>: Pallisadoes can be erected by the Soldiers in case they are paid by the work. The Com'ittee having examin'd Mr: Watt on the s<sup>d</sup>: memorial & representation are of opinion that the engagem<sup>t</sup>: he has made with the Soldiers for the work they have done should be strictly complied with & that this be Recomend<sup>d</sup> to his Hon<sup>r</sup>: the Presid<sup>t</sup>: to order such payments to be made the Soldiers out of the £2000 pounds lent his Majesty for the use of Fort King George, that the said Mr: Watt informs your Com'ittee that it's his opinion there will be no occasion to erect any Barracks at Fort King George more than what the Soldiers have already built nor any more work to the Fort than a line of Pallisadsadoes as he proposes in his memorial in which your Com'ittee do agree in opinion with the s<sup>d</sup>: Watt & that the Cheapest & most expeditious manner to erect the s<sup>d</sup>: Pallisadoes, will be by imploying the Soldiers.

2<sup>dly</sup>.... The petition of the s<sup>d</sup>: Watt setting forth that while he was busied in saving the Stores Provisions &<sup>ca</sup>: belonging to the Garrison he lost his own Cloaths linnen liquor &<sup>ca</sup>: in the fire to the Value of £250 this Currency. The

Com'ittee are of opinion Mr: Watt very well deserves the consideration of this house for his Conduct & service at the time the fort was burnt, as well as putting & keeping that Garrison in the present good posture it's now in & that if this house thinks proper to consider Mr: Watt, it may be for his extraordinary Services and no otherwise.

The house having read & taken under consideration the above Report

Resolv'd that his Hon<sup>r</sup>: the President be desired to order Liev<sup>t</sup>: Watts the Sum of two hundred pounds out of the money allready given for the use of Fort King George.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

The house having duly consider'd a Report of a Com'ittee of this house on the memorial & Representation & on the petition of Liev<sup>t</sup>: James Watt recomended by his Hon<sup>r</sup>: the President have agreed with that part of the Report which relates to the memorial as your Hon<sup>r</sup>: will see by the s<sup>d</sup>: Report herewith sent you. The house being well convinced that the s<sup>d</sup>: Mr: Watt has been very serviceable at Fort King George in the late unhappy accident by fire & in building Hutts & Barracks & in many other circumstances We desire your Hon<sup>r</sup>: will be pleas'd to order that he be pay'd for his said extraordinary Service out of the £2000 applied to the use of Fort King George the Sum of two hundred pounds

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>:

Sent up by Maj<sup>r</sup>: Hepworth & Cap<sup>t</sup>: Saunders.

The petition of Maurice Harvey was read setting forth that he is heartily sorry for having incurr'd the displeasure of this Hon<sup>ble</sup>: house & asking pardon for the same & praying to be forgiven & discharged paying his ffees, & it appearing that the s<sup>d</sup>: Maurice Harvey was very ill & incapeable of coming to this house to make his Submission

Order'd that the s<sup>d</sup>: Maurice Harvey be discharged out of Custody paying his ffees

The bill to Revive & Continue the several Acts therein mentioned was read the third time & past with amendments & sent up by [names omitted]

Mr: Sec<sup>y</sup>: Hart brought from his Majesties Hon<sup>ble</sup>: Council the Bill to revive & Continue the several Acts therein mention'd read in Council the third time & past with amendments.



Order'd that the said bill be engrosed.

The question was put whether the President should be desired to postpone the burning the bills now in the Treasurers hands until the next sitting of the Assembly.

Carried in the affirmative.

Coll<sup>o</sup>: Chicken being asked if he would go to the Cheerokees on the encouragement: voted for him, he declared he was ready to serve his Country at all times & would go provided he might have liberty to leave a proper Gent<sup>n</sup>: to Transact his affairs as Com<sup>'</sup>iss<sup>r</sup>: of the Indian trade as he did before which was readily granted him by the house.

May it please y<sup>r</sup>., Hon<sup>r</sup>.

The precarious State of affairs of this Province with the Indians & the com'on Rumour of Warr between his Britannick Majesty (our Sacred Sovereign) & the King of Spain makes it highly necessary for this Province to take the wisest & most cautious methods for our defence & presentation, & as unforeseen misfortunes may suddenly happen to us from either of those circumstances, We cannot be too carefull to provide against such exigencys; We think our selves Obliged at all times to comply with our Publick faith, but when his Majesties service is im<sup>'</sup>ediately concern'd (as in the case of the late unhappy accident at Fort King George,) We must be held acquitted if in so great an emergency some of the money in the Treasurers hands to be burnt was reissued by consent of the General Assembly and if the destruction of his Majestie's Subjects in this Province and his Dominions are threatned, by as just reasoning more of that money in such a material Crisis may allso be reissued, and althô We hope that such Circumstances may never happen to us & consequently that We may never have occasion of any of that money, yet least those Calamitys should attend us, We are oblig'd to desire your Hon<sup>r</sup>: & his Majesties Hon<sup>ble</sup>: Council to consent that the burning those bills may be postponed until the next sitting of the Assembly by which time in all Probability We may be perfect Judges of the scituation of our affairs.

Tho<sup>s</sup>: Broughton Speaker

sent up by Coll<sup>b</sup>: Fenwick and

Cap<sup>t</sup>: Fitch having made proposals to this house of certain allowances in case he goes to the Creeks which being consider'd the following question was put

whether Capt: Fitch shall be allowed three hundred pounds for an interpreter & extraordinary charges exclusive of the four pounds .<sup>7</sup>/<sub>8</sub> day in his Agency among the Creeks.

Carried in the affirmative  
And Capt: Fitch being called in he was informed that the house had agreed to allow him three hundred pounds for Interpreters and extraordinary charges exclusive of £4 .<sup>7</sup>/<sub>8</sub> day, to w<sup>ch</sup>: he replied he was very well Satisfied.

May it please your Hon<sup>r</sup>:

The house considering of proper persons to go to the Cheerokes and Creeks have pitched on Coll<sup>o</sup>: Chicken for the Cheerokes and Capt: Fitch for the Creeks, each of them with an allowance of four pounds .<sup>7</sup>/<sub>8</sub> day until their return but with this addition to Capt: Fitch, that he be allowed for an Interpreter & extraordinary charges exclusive of the four pounds .<sup>7</sup>/<sub>8</sub> day the Sum' of three hundred pounds, if your Hon<sup>rs</sup>: agree with us in this affair We apprehend the business now before us may be very soon finished.

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>:

Order'd that Alex<sup>r</sup>: Parris Esq<sup>r</sup>: Treasur<sup>r</sup>: do pay out of the Publick Treasury of this Province unto Lievt: James Watt for his extraordinary service in the late unhappy accident at Fort King George & in building Hutts and Barracks after the said fire the Sum' of one hundred pounds & that this Order be sent to his Hon<sup>r</sup>: the Presid<sup>t</sup>: & his Majestie's Hon<sup>ble</sup>: Council for their Concurrence & that M<sup>r</sup>: Speaker do sign the same.

The following message was brought from his Hon<sup>r</sup>: the President.  
M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

We intirely agree to your last message by M<sup>r</sup>: Eleaz<sup>r</sup>: Allen & Capt: Broughton relating to the Gentlem<sup>n</sup>: you have pitched upon to go to the Cheerokes and Creeks and the allowance you design them but desire to know the shortest time those Gent<sup>n</sup>: propose to set out in, beleiving it absolutely necessary that none ought to be lost upon this emergency & that Instructions for them be im<sup>e</sup>diately settled.

29<sup>th</sup> April 1726.

Ar. Middleton

Order'd that Alex<sup>r</sup>: Parris Esq<sup>r</sup>: do pay out of the Publick Treasury of this Province unto John Sergeant towards bearing his expence of his cure of a wound he received of a

Negro bringing him down prison<sup>r</sup>: from the Indians & to support him under the misfortune the Sum' of fifty pounds & that this order be sent to his Hon<sup>r</sup>: the President & his Majesties Hon<sup>ble</sup>: Council for their concurrence & that M<sup>r</sup>: Speaker do sign the same.

The house taking under Consideration the method of settling the Friendly Indians in three bodys so as to be a security to themselves as well as to the Frontier parts of this Province

Order'd that Coll<sup>o</sup>: Fenwick Coll<sup>o</sup>: Hall and Coll<sup>o</sup>: Palmer be a Com'ttee to enquire of proper land to the Southward, Cap<sup>t</sup>: Broughton to the Westward & M<sup>r</sup>: Tho<sup>s</sup>: Smith to the Northward & to report to this house at their next sitting the quantity of Land necessary the Value thereof & how they find the Indians inclin'd to settle in the manner proposed.

Order'd that the following message be sent to his hon<sup>r</sup>: the Presid<sup>t</sup>:

May it please y<sup>r</sup>., Hon<sup>r</sup>:

The Gentlem<sup>n</sup>: appointed to go to the Creeks & Cheerokees propose to set out in eight or nine days.

Herewith We send you the Instructions to both of them agreed to in this house.

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>:

sent up by Cap<sup>t</sup>: Green &

Resolv'd that this house will provide for the payment of the Sum' of One hundred and fifty pounds sterling money of Great Britain drawn for by Francis Yonge Esq<sup>r</sup>: in part of money due to him for his Agency on the Com'ttee of Correspondence in this Province.

The house adjourn'd til to morrow morning nine of the Clock—

Saturday the 30<sup>th</sup> day of April 1726.

The house mett according to adjournment.

The memorial of Alex<sup>r</sup>: Par<sup>r</sup>is Com'issary was read & taken under consideration.

Resolv'd That Maj<sup>r</sup>: David Durham Command<sup>r</sup>: of Fort Moore be allowed from this day an additional Sallary of fifty pounds ꝑ Annum, & each of the men one pound ꝑ M<sup>o</sup>: additional pay, & that Alex<sup>r</sup>: Parris Esq<sup>r</sup>: Com'issary do Purchase of the men at Fort Moore and the Pallachucola Garrison all the Corn they make Over & above their usual

allowance at the rate of ten Shillings  $\text{£}$  bushell & that this Resolution be sent to his Hon<sup>r</sup>: the Presid<sup>t</sup>: & his Majesties Hon<sup>ble</sup>: Council for their Concurrence & that M<sup>r</sup>: Speaker do sign the same, & in case any of the men shall leave either of the s<sup>d</sup>: Garrisons before the gathering in of the Corn, that the Corn that each of them has planted shall be vallued on the ground & they shall be pay'd for the same according to the Valuation thereof.

Resolv'd allso that the pay of the Liev<sup>t</sup>: of the s<sup>d</sup>: Fort be raised to fourteen pounds and the Sergeant to nine pounds ten shillings.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought down the following message and the Instructions to the Agents.

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

We have perused the Instructions you sent last night for the Agents to the Creeks & Cheerokes & think some encouragem<sup>t</sup>: ought to be given to some person at the Savanno Town to Transcribe such expresses as may be brought thither in order to transmitt Copys to the Respective Agents that the Originals may be sent to the Comander in Cheif.

We agree to the Draught of Instructions with the addition annex.

30<sup>th</sup> April 1726.

Ar. Middleton

May it please y<sup>r</sup>: Hon<sup>r</sup>:

We are of Opinion that y<sup>e</sup>— Tuscarora Indians which have done so much mischeif in the settlements will return by the way of Cap<sup>t</sup>: Fear, We therefore desire that you will be pleas'd to write a letter to Coll<sup>o</sup>: Maurice Moore desiring him that if they return that way that he will say what's necessary to them concerning the mischeif they have done & to inform them that if they are again found in the Settlem<sup>ts</sup>: that they shall be delt w<sup>th</sup>: as Enemies & that he be desired to take from them the Slaves they have with them & the Free Indians. And We desire a Com<sup>'</sup>ittee of his Majestie's Hon<sup>ble</sup>: Council may be appointed to meet a Com<sup>'</sup>ittee of this house to consider of the proper measures to be im<sup>'</sup>ediately taken for intercepting the said Indians.

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>:

Resolv'd that the allowance to the two Agents appointed to go to the Creeks & Cheerokes shall Com<sup>'</sup>ence from the day that they set out from their habitations & that this resolution be

sent to his Hon<sup>r</sup>: the Presid<sup>t</sup>: & his Majesties Hon<sup>ble</sup>: Council for their concurrence and that M<sup>r</sup>: Speaker do sign the same.

May it please y<sup>r</sup>: Hon<sup>r</sup>:

We desire you will be pleas'd to give im'ediate advice to Maj<sup>r</sup>: Durham of what encouragement the Assembly has given to himselfe the Officers and men of Fort Moore & We will take care to provide money for paying the express you send.

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>.

Order'd That M<sup>r</sup>: John Lloyd M<sup>r</sup>: Whitaker Coll<sup>o</sup>: Herbert and Capt<sup>t</sup>: Green do examine into the allegations of Landgrave Smith's memorial during the Recess of the Assembly and that they Report their opinion thereon at the next sitting of the house.

The Reviving bill and several messages and other papers sent up by Maj<sup>r</sup>: Hepworth and Maj<sup>r</sup>: Hext.

M<sup>r</sup>: William Rhett from the Com'ittee appointed to consider of the best method of apprehending the Tuscarora Indians now destroying our friendly Indians in the settlements Reported.

That it's the opinion of the Com'ittee that the Tuscarora's upon finding that the people are now under Arms upon their last mischeif on Wando Neck will make the best of their way to the Waccamaw Neck the other side of Winyaw River & therefore the better to intercept them the President be desired to send a Special Comission to Capt<sup>t</sup>: Edward Heyrn at Winyaw & to desire that he will im'ediateley raise such a party of men as he shall think Sufficent & also get what of our Friendly Indians can be prevailed on to join them & make all imaginable dispatch to Waccamaw Neck & there Scout for these Tuscaroras & for their greater encouragem<sup>t</sup>: they shall be pay'd by the Publick for every of the s<sup>d</sup>: Indians a White man shall take or kill  $\text{£}$  head One hundred pounds &  $\text{£}$  head if by any of our Indians ten pounds, that Capt<sup>t</sup>: Gendroon be inform'd of this & the President be desir'd to order him to acquaint the Ittewan or other Indians at Santee of this Encouragement & that if any of them are willing to join Capt<sup>t</sup>: Hyrne that he order a party of the Santee Company to go with the Indians directly to Winyah

The Com'ittee are also of Opinion that the Comander of such Companys as are now or may be under Arms be directed to inform their men to take or kill all such Indians who they find

have been concern'd in the late mischeif & that they shall be intitled to the above reward.

April the 30<sup>th</sup>. 1726.

In the Com'ons house of Assembly read and agreed to with the additions.

W<sup>m</sup>.. Blakewey C.D.C.

M<sup>r</sup>: Speaker & Gent<sup>n</sup>:

I would willingly know if the Creek Indians should come down during the Recess of the Assembly whether you desire me to call you again.

30<sup>th</sup> April 1726.

Ar. Middleton

May it please y<sup>r</sup>., Hon<sup>r</sup>:

As this house apprehends that if the Creek Indians come down there will some matters of great moment arrise, so We desire when they come, that you will be pleas'd to call the General Assembly.

Tho<sup>s</sup>: Broughton Speak<sup>r</sup>:

The above message sent up by Cap<sup>t</sup>: Dry & Cap<sup>t</sup>: Saunders.

The petition of the Proprietors of the Lotts at the north end of the town was read praying leave to bring in a bill to quiet their possession.

The following Gent<sup>n</sup>: were appointed to examine into the Allegations of the said Petition & to Report their Opinion on the same Viz<sup>t</sup>: M<sup>r</sup>: Lloy'd Coll<sup>o</sup>: Fenwicke, Coll<sup>o</sup>: Herbert M<sup>r</sup>: Rhett & M<sup>r</sup>: Allen,

M<sup>r</sup>: Sec<sup>ry</sup>: Hart brought from his Hon<sup>r</sup>: the President two Letters wrote by the President, the one to the Govern<sup>r</sup>: of North Carolina & the other to Coll<sup>o</sup>: Maurice Moore w<sup>ch</sup>: being read were approved of & sent up by M<sup>r</sup>: Allen & M<sup>r</sup>: George Smith.

M<sup>r</sup>: Sec<sup>ry</sup>: Hart acquainted the house that the President required their attendance in the Council Chamber im<sup>e</sup>diately to Rattifie

The Speaker and the house waited on the President to Rattifie the Act for Reviving several Acts therein mentioned

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